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Identical letters dated 13 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I wish to transmit to you herewith the daily report on the activities carried out by the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq on 13 December 2002.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Salman Ali**
Chargé d'affaires a.i.

02-74914 (E) 241202 261202

Annex to the identical letters dated 13 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Activities of the UNMOVIC and IAEA inspection teams in Iraq

Report on the activities carried out on 13 December 2002

The activities of the UNMOVIC and IAEA inspection teams on Friday, 13 December 2002, corresponding to the official weekly holiday in Iraq, were as follows:

I. UNMOVIC inspection team (chemical)

The chemical inspection team, which included 14 inspectors and was headed by Krzysztof Strelau, set out from the Canal Hotel in Baghdad at 9.05 a.m. and arrived at the pesticide warehouse belonging to the Agricultural Department in the Musayyib district (70 km south-west of Baghdad) at 10.15 a.m. The team broke up into three smaller groups. The first group inspected the warehouse and the second, the veterinary clinic adjacent to the warehouse, while the third group made a field tour of the site. The team completed its mission at 11.40 a.m. and arrived at the Canal Hotel at 1.00 p.m.

II. UNMOVIC inspection team (missiles)

The inspection team specialized in missiles, which included 12 inspectors and was headed by Kenneth Grove, set out from the Canal Hotel in Baghdad at 8.30 a.m. and arrived at the Ibn al-Haytham site belonging to the Karamah State Company, one of the establishments of the Military Industrialization Commission, at 9.00 a.m. The site, which has been under the ongoing monitoring system, is located in the northern suburbs of Baghdad and specializes in the production of parts for missiles within the range permitted under the Security Council resolutions. It was visited dozens of times by the inspection teams of the former United Nations Special Commission (UNSCOM) and was the target of intensive bombing during the United States and British aggression against Iraq from 16 to 20 December 1998. The UNMOVIC team had previously visited it on 10 December 2002. The team split into three groups, the first of which stayed at the entrance to the site during the inspection period, while the second held a meeting with a member of the site liaison in the National Monitoring Directorate, asking him numerous questions, to which answers were provided. The third group made a tour of the various buildings and facilities at the site. The team finished its mission at 12.50 p.m. and arrived at the Canal Hotel at 1.15 p.m.

III. UNMOVIC inspection team (biological)

The inspection team, which included nine inspectors and was headed by Kay Mereish, set out at 8.40 a.m. from the Canal Hotel and arrived at the Communicable Diseases Control Centre, near Al-Andalus Square in downtown Baghdad, at 9.00 a.m. The Centre is a Ministry of Health institution that specializes in the control of infectious diseases and pathogen vectors. It formerly occupied a wing of the Central Public Health Laboratory of the Ministry of Health and was transferred

to its new location in 2001. Its transfer was recorded in the most recent updated half-yearly declaration delivered to UNMOVIC in Vienna on 1 October 2002.

At 11.30 a.m. the Director of the Baghdad Ongoing Monitoring, Verification and Inspection Centre, Mr. Miroslav Gregoric, telephoned Major-General Husam Muhammad Amin of the National Monitoring Directorate and requested him to come to the Communicable Diseases Control Centre in order that a solution might be arrived at for certain labelling problems. This actually took place and agreement was reached between the two sides at the site. The inspection team made a tour of the site facilities and, having completed its mission at 12.50 p.m., returned to the Canal Hotel at 1.00 p.m.

IV. IAEA inspection team

The IAEA inspection team split up into two groups, as follows:

The first group, composed of four inspectors and headed by Frank Pabian, set out from the Canal Hotel at 9.30 a.m. It made a tour of the main thoroughfares and side streets of the northern and western quarters of Baghdad, taking radiation readings by means of portable equipment as it proceeded, with a view to detecting any radiation activity or undeclared radiation source. This group completed its mission at 11.30 a.m. and returned to the Canal Hotel at 11.45 a.m.

The second group, composed of three inspectors and headed by David Hayes, set out from the Burj al-Hayat Hotel at 8.35 a.m. and arrived at the town of Suwayrah, located 70 kilometres south of Baghdad. The group took water, plant and soil samples from the area near the Suwayrah bridge over the Tigris, then proceeded to Nahr al-Qa'id, near Suwayrah, where it took the same samples. The group then proceeded to the town of Musayyib, located 70 kilometres south-west of Baghdad, and took the same samples near the new Musayyib bridge over the Euphrates River. Having completing its mission, the group arrived at the Canal Hotel at 3.20 p.m.

V. Communications group

The communications group, which was composed of five persons, set out from the Canal Hotel at 7.07 a.m. and headed for the Qadisiyah border complex (Taribil) at the Iraqi-Jordanian border, mentioning that the purpose was to reconnoitre the road with a view to the establishment of a communications system between the Canal Hotel and the border crossing point at the Qadisiyah complex. The group arrived at Taribil at 12.52 p.m. and met with a representative of the Cotecna company, which inspects the goods that enter Iraq under contracts within the framework of the Memorandum of Understanding and the oil-for-food programme. The mission was completed at 1.50 p.m. and the group reached the Canal Hotel at 5.45 p.m.

VI. Remarks

This was the first time that the inspection teams continued their work on a Friday, which is the weekly official and religious holiday in Iraq as in other Islamic countries, and the second time that it continued its work on holidays in general, inasmuch as it carried out inspection missions on the third day of the blessed Id al-Fitr, which fell on 7 December 2002 A.D.

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Identical letters dated 14 December 2002 from the Chargé d'affaires a.i. of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the daily report on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq on 14 December 2002 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Salman**
Chargé d'affaires a.i.

02-74901 (E) 261202 261202

Annex to the identical letters dated 14 December 2002 from the Chargé d'affaires a.i. of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Daily report on the activities of the UNMOVIC and IAEA inspection teams in Iraq

Report on the activities carried out on 14 December 2002

The activities of the UNMOVIC and IAEA inspection teams on Saturday, 4 December 2002 , were as follows:

I. UNMOVIC chemical weapons inspection team

1. The UNMOVIC (chemical weapons) inspection team, comprised of 22 inspectors and headed by Krzysztof Strelau, set out from the Canal Hotel at 8.45 a.m. At 9.45 a.m., the team arrived at the Al-Qaqaa State Establishment, located 30 kilometres south-west of Baghdad, which manufactures materials for the conventional military industry. This was the second visit made by the inspection team to that Establishment; the first had taken place on 9 December. The team visited one of its factories, the Tariq Factory, and met with its director, posing a number of questions to him on the factory's activities since 1998, to which he duly responded. The team then proceeded to the production units and inspected tagged equipment, which it compared to the content of the Iraqi declarations. The team completed its work at 3 p.m. and arrived at the Canal Hotel at 4 p.m.

II. UNMOVIC biological weapons inspection team

The inspection team, comprised of 24 inspectors and headed by Ms. Kay Mereish, set out from the Canal Hotel at 8.35 a.m. At 9.05 a.m., it arrived at the site of the Iraqi Atomic Energy Agency in Al-Tuwaitha, south of Baghdad. The team split up into three groups:

Group I

The Group met with the liaison officer of the Iraqi Atomic Energy Agency with the National Monitoring Directorate in order to determine the sites it wished to visit.

Group II

The Group inspected the agriculture department and biology section, the fungus production research site, the laser building, the pesticide and protein production site, and the screw worm and soil research sections.

Group III

The Group inspected the environment department and the chemistry and pharmaceuticals department, and verified the tags on all the equipment. The Iraqis in charge explained the activities currently carried out at the site.

The team completed its work at 2.55 p.m. and arrived at the Canal Hotel at 3.15 p.m.

Additionally, at 9.05 a.m., a group comprised of four inspectors from the UNMOVIC biological weapons inspection team visited the Centre for the Control of Infectious Diseases, which had already been visited by the UNMOVIC biological weapons inspection team on Friday, 13 December. The group inspected the dual-use equipment, which it compared to the content of the Iraqi declarations. The team completed its work at 9.45 a.m.; the group joined the inspection team at the Iraqi Atomic Energy Agency site in Al-Tuwaitha.

III. UNMOVIC missile inspection team

The missile inspection team split up into two groups:

Group I

Group I, comprised of 14 inspectors headed by Mr. William Jolley, set out from the Canal Hotel in Baghdad at 8.45 a.m. and proceeded to the Al-Sumud Factory, belonging to the Al-Karama State Establishment, specializing in mechanical engineering. The IAEA inspection team had visited there previously, on 10 December. On arriving at the factory, the Group met with its director. It asked him a number of questions and he duly replied. The Group then inspected the administrative department offices, the computers and the buildings on the premises as well as tagged equipment.

Group II

Group II, comprised of 11 inspectors headed by Kenneth Grove, set out from the Canal Hotel in Baghdad at 8.30 a.m. and proceeded to the Al-Fateh Company, located in the Amiriya district of Baghdad, which specializes in research and consultancy. A meeting was held with the company director, who was questioned about the activities carried out there and on who utilizes its research.

The team completed its work at 11.35 a.m. and arrived at the Canal Hotel at 12.10 p.m.

IV. IAEA inspection team

The team was divided into four groups:

Group I

Group I was comprised of four inspectors headed by Mr. Greg Lavender. Group I set out from the Canal Hotel in Baghdad at 8.30 a.m. and arrived at the Al-Nasr State Enterprise at 9.05 a.m. The company, located 30 kilometres north of Baghdad, is one of the companies of the Ministry of Industry and Mining and specializes in mechanical industries. The Group inspected a number of buildings and examined the seals. It then proceeded to the Dhu-al-Fiqar Factory, belonging to the Al-Rashid State Establishment, adjacent to the Al-Nasr State Establishment, and inspected its machines. The group split up into two subgroups. The first subgroup visited the Al-Sumud State Establishment, near the Al-Nasr Establishment and the

Al-Nasr Al-Adhim State Establishment, in the Al-Dawrah area. The second subgroup took environmental specimens at the Al-Nasr State Establishment and the Dhu-al-Fiqar Factory. The Group completed its work and arrived at the hotel at 2.10 p.m.

Group II

Group II, comprised of three inspectors, set out from the Canal Hotel at 8.30 a.m., and, at 8.50 a.m., arrived at the Al-Tahadi State Establishment, located to the west of Baghdad, which specializes in high-voltage electrical installations. The company had already been visited by the IAEA inspection team on 27 November, the day on which inspection activities had begun. The Group conducted a radiometric survey with hand-held instruments in order to detect any radioactivity. It completed its work and, at 9.25 a.m., left the Establishment premises. The Group took a tour of the main thoroughfares and side streets of Baghdad's eastern quarter, conducting radiometric surveys with hand-held instruments to check for any radioactivity or undeclared sources of radiation. After completing its work, the Group arrived at the Canal Hotel at 11 a.m.

Group III

The Group was comprised of six inspectors headed by Mr. Robert Kelley. It set out from the Canal Hotel at 8.30 a.m., and, at 9.30 a.m., arrived at the Hattin State Establishment, located 50 kilometres south of Baghdad. The Group met with the Establishment's director, whom they questioned about material subject to the ongoing monitoring and verification system. The Group left and arrived at the Al-Quds State Establishment at 1 p.m. The Group asked competent officials at the Establishment about the nature of the work carried out there and visited a section of the buildings. The UNMOVIC inspection team had already visited the Establishment on 7 December. At 3.45 p.m., the team completed its work and split up into two subgroups. The first subgroup returned to the Hattin State Establishment and placed a seal on one of the warehouses. The second subgroup went to Al-Mahaweel Warehouse and inspected some of the materials subject to the ongoing monitoring and verification system. The Group completed its work at 5.10 p.m. and arrived at the Canal Hotel at 6.30 p.m.

Group IV

Group IV was comprised of seven inspectors, headed by Mr. Philip Caulfield. The Group set out from the Canal Hotel at 8.30 a.m. and went to the Al-Shahid State Establishment, in Amiriya Al-Fallujah, 70 kilometres west of Baghdad. The Group met with the Establishment's director and asked him about the Establishment's activities. It carried out an on-site inspection, which included the entire perimeter of the company, and familiarized itself with its stages of production. The Group conducted a radiometric survey with hand-held instruments of all sections of the Establishment to detect any radioactivity. It then took measurements in various places. At 1.35 p.m., the Group completed its work and arrived at the Dhu-al-Fiqar Factory at 2.45 p.m., which had been visited by one of the nuclear weapons groups that morning. Group IV requested clarification of aluminium tubing mentioned in the report of British Prime Minister Tony Blair, coming into and going out of the Factory, and on the quantity of spent tubes. The Group completed its work at 5.40 p.m. and returned to the Canal Hotel at 6.20 p.m.

V. Communications Group

The Communications Group, comprised of two inspectors, set out from the Canal Hotel. It inspected the transmission relay stations, included in the camera monitoring system, at the Samarra, Al-Qiyara and Al-Mishraq sites and inspected the premises of Al-Kindi Public Company, in Mosul with the aim of examining the rest of the company's camera monitoring system, which had been destroyed in the attack staged from 16 to 20 December 1998 by the United States of America and the United Kingdom. The Group spent the night in Mosul.

VI. Observations

1. The activities carried out by inspection teams today were marked by their intensity, their diversity and by the huge increase in the number of sites visited and the number of inspectors who participated in these tasks. A total of 16 sites were visited by 85 inspectors; 28 vehicles were utilized to transport them.

2. Most of the sites visited by the inspection teams today are among those mentioned in the reports of British Prime Minister Tony Blair, the United States State Department and the Central Intelligence Agency (CIA), which accuse Iraq of carrying out banned activities related to the manufacture of weapons of mass destruction.

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Identical letters dated 15 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council

Acting on instructions from my Government, I have the honour to transmit to you the daily report on the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and International Atomic Energy Agency (IAEA) inspection teams in Iraq on 15 December 2002.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Salman Ali**
Chargé d'affaires a.i.

02-74942 (E) 261202 261202

Annex to the identical letters dated 15 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council

Daily report on the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and International Atomic Energy Agency (IAEA) inspection teams in Iraq

Report on activities carried out on Sunday, 15 December 2002

I. UNMOVIC team (biological weapons)

Left the Canal Hotel at 8.40 a.m. It was led by Ms. Kay Mereish and arrived at 9.25 a.m. at the Serum and Vaccine Institute of the Ministry of Health, which specializes in the production of certain types of vaccine for human use, chemical diagnostic equipment and methods for diagnosing tuberculosis, typhoid fever and Malta fever. It is one of the sites that is included in the ongoing monitoring and verification system and that submits statements every six months. Upon arrival, the team split into two groups: the first met with the Director of the Institute and asked him for clarifications regarding the activities of the Institute and the type of vaccines it produced, the volume of production and new activities. It then inspected the Institute's buildings and facilities and checked the systems and equipment that had previously been labelled and the equipment included in the six-monthly statements.

The other group visited the warehouses where the materials being used are kept, those where fuel is kept, the animal wing and the warehouses of chemical products, culture media and imported vaccines. The team completed its work at 1.55 p.m.

II. UNMOVIC team (missiles)

The team split into two groups:

Group I:

It was composed of 12 inspectors led by Mr. Kenneth Grove. It left the Canal Hotel at 8.25 a.m. and arrived at 9 a.m. at Al-Mutasim factory which is part of the Al-Rashid public company. Upon arrival at the site, the team split into three groups which inspected all the workshops and buildings belonging to the site; they also met with the director of the factory and asked him for clarifications regarding the factory's activities and work relating to the production of the Ababil, Al-Nida, Al Fath and Al-Raad missiles (those with a range not exceeding 150 kilometres which are subject to the verification system). In addition, they requested other clarifications regarding the factory's organizational chart and buildings added during the past four years, the condition of the equipment bearing labels and the research carried out in the factory, and also regarding missiles whose labels had been removed during maintenance. The group also photographed one of the engines of the Al-Raad missile, which was ready to be tested on the ground station. The group completed its work at 2 p.m. and arrived at the Canal Hotel at 3.05 p.m.

Group II:

The group was led by Mr. William Jolley. It left the Canal Hotel at 8.40 a.m. and arrived at Dhu-l-Fiqar factory, which belongs to the Al-Rashid public company, at 9.25 a.m. There it met with the director who provided a brief synopsis of the factory's main activities and products; the factory specializes in the mechanical aspects of production and assembly of short-range missiles. The director answered the group's questions concerning the streamlining machines, their number and how many of them were operating, and their current location. Following the meeting, the group split into two subgroups and checked the machines and parts manufactured in all the buildings and workshops of the site and the warehouses. The subgroup also checked the changes in the conditions of the workshop following the destruction caused by the military attack conducted by the United States and the United Kingdom between 16 and 20 December 1998. The group completed its work at 11.50 a.m. and returned to the Canal Hotel, arriving there at 12.30 p.m.

III. UNMOVIC team (chemical weapons)

The team left the Canal Hotel at 8.45 a.m. led by Mr. Krzysztof Strelau and reached Al-Qaqaa public company, which is part of the Military Industrialization Commission, at 9.40 a.m. There it split into two groups.

Group I:

Led by the team leader, it visited the unit where sulphuric acid is concentrated and met with the director of the factory in the presence of the liaison member [of the National Security Service]. It asked him numerous questions and requested clarifications concerning the research and development and the administrative organizational chart of Al-Samoud factory, concerning certain materials subject to the monitoring and verification system, labels, contracts signed since 1999 to put into operation a building for the concentration of sulphuric acid and concerning pumping systems and reserve materials. The director provided satisfactory answers to all questions.

Group II:

It split into two subgroups, the first of which visited Jalid factory, which is part of that same enterprise and which specializes in explosives; it met with the director and asked numerous questions relating to the volume of production and for whom it was intended, and the enterprise's plans for the future. It also did an on-the-spot check of the DNT isotope separation building and the warehouse containing the declared glass equipment. The other subgroup visited the building where sulphuric acid is concentrated. The Iraqi officials explained the production activities. The subgroup also visited the warehouse where raw materials, manufactured materials and spare parts are kept and checked one of the factory's computers.

The team completed its work at 4.15 p.m. and returned to the Canal Hotel.

IV. IAEA team

The team divided up into three groups:

Group I:

Led by Mr. Philip Caulfield, it left the Canal Hotel at 8.25 a.m. and arrived at Umm al-Maarek company, which belongs to the Military Industrialization Commission, at 8.55 a.m. There it met with the deputy director-general and asked for clarifications regarding the new buildings that had gone up since 1998 and the activities of the enterprise. It then inspected the workshop containing the streamlining machines and checked the production phases of the 81-millimetre missile. Finally, it made a general tour of the company and verified the machines, particularly those imported since 1998, and took measurements of the systems in the central calibration laboratory. It completed its work at 11.45 a.m. and then went to Al-Qadisiyah company, which belongs to the Military Industrialization Commission, arriving there at 11.52 a.m. There it inspected the company's factories and workshops and carefully examined the machines, checking them against the lists which IAEA had. The visit ended at 12.55 p.m., at which point the group went to Badr public company, which is part of the Military Industrialization Commission. Upon arrival at noon, it inspected the workshop where equipment is manufactured and the central quality control laboratory, as well the die shop and the building where high precision work is done. It checked all the old machines and the seals placed on them and inspected the new imported machines. The group completed its work at 2.45 p.m. and returned to the Canal Hotel at 3.15 p.m.

Group II:

It left the Canal Hotel at 8.30 a.m. led by Mr. Albert Boney and headed south of Baghdad taking samples of heavy water waste, grass and mud in the following sites:

Rustamiya sewage purification station (samples of waste sediment and water);

Diyali River close to the old Diyali bridge (grass, mud and water samples);

IAEA location (soil samples);

Third expansion of the Rustamiya sewage purification station (heavy waste sediment and water).

The group completed its work and returned to the Canal Hotel, arriving there at 4.30 p.m.

Group III:

It left the Canal Hotel at 8.30 a.m. led by Robert Kelly and arrived at 10.10 a.m. at the Glass and Ceramic Industries public enterprise, located in the town of Al-Ramadi (100 km west of Baghdad), which is part of the Ministry of Industry and Mining. The group met with the director-general and asked him for clarifications regarding the names of the sites belonging to the enterprise; how many workers it had and who among them had completed higher studies; whether the enterprise had a research and development section; whether any of the persons assigned to the enterprise had worked in the earlier nuclear programme; what its daily production and sales figures were; who its principal suppliers were abroad and what relationship it had with Al-Anbar University. The group later inspected the enterprise's commercial division and checked documents concerning the enterprise's suppliers under the Memorandum of Understanding; it then toured the facilities and

warehouses. It also conducted a radioactive measurement of the enterprise's sites and of the adjacent roads, using its vehicles.

At 1.20 p.m., the group paid another visit to the ceramic and tile factory belonging to that same enterprise and toured all the facilities and production lines of the site and checked the energy and raw materials it used. It also took some radioactive measurements with portable equipment mounted on vehicles. The group completed its work at 2.20 p.m.

At 2.25 p.m., the group visited the Al-Ramadi Silo belonging to the National Grain Marketing enterprise and took radioactive measurements using equipment mounted on vehicles. It completed its work at 2.35 p.m.

At 2.45 p.m., the group visited the "Golden Ear" flour enterprise, a mill belonging to the private sector, and took radioactive measurements throughout the enterprise's facilities, using systems mounted on vehicles. The group toured the various floors of the factory and requested clarifications regarding the work done on each floor. It completed its work at 3.05 p.m. and arrived at the Canal Hotel at 4.45 p.m.

V. Communication team of the ongoing monitoring and verification system

It left Mosul (400 km north of Baghdad) at 8.30 a.m. and visited the Bay'a refinery at 11 a.m., where it inspected the antennas and camera monitoring systems subject to the ongoing monitoring and verification system. Subsequently, at 11.35 a.m., it headed for the broadcasting antennas located on Hamrin hill. After that, at 3 p.m., it left the site and headed for the broadcasting antennas of the K2 oil pumping station. The group completed its work at 5.10 p.m. and returned to the Canal Hotel at 8.15 p.m.

VI. Comments

The Serum and Vaccine Institute of the Ministry of Health was accused, in the report of Prime Minister Tony Blair of the United Kingdom, of storing biological weapons. The factories belonging to the Military Industrialization Commission, which the inspection teams visited that day, were also accused in the Prime Minister's report, and in the reports of the Secretary of State and Central Intelligence Agency of the United States, of carrying out prohibited activities and of producing weapons of mass destruction.

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Identical letters dated 16 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the daily report for 16 December 2002 on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Salman**
Chargé d'affaires a.i.

02-74956 (E) 241202 261202

Annex to the identical letters dated 16 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Daily report on the activities of the UNMOVIC and IAEA inspection teams in Iraq

Daily activity report for Monday, 16 December 2002

1. UNMOVIC chemical inspection team

At 0840 hours a team consisting of 13 inspectors left the Canal Hotel and proceeded to Al-Nasr al-Azim enterprise in the Dawrah area of Baghdad. This is a Military Industrialization Corporation (MIC) mechanical engineering company. On arrival, the team met with those in charge and asked about the company, its activities and customers and the tagged equipment there. It toured the workshops and the commercial department, and it inspected the management department and its building, the library, the drawing office and the vehicles. It photographed some of the company's products. The team completed its assignment at 1345 hours and arrived at the Canal Hotel at 1405 hours.

2. UNMOVIC biological inspection team

At 0845 hours a team consisting of seven inspectors and led by Ms. Kay Meirish left the Canal Hotel and proceeded to Baghdad University's Institute of Genetic Engineering and Biotechnology at its Jadiriyah campus in Baghdad. They questioned the dean about the Institute's purposes. (This is a newly established institution and is mentioned in Iraq's recent declaration.) The dean provided an outline of the Institute's activities. The team then toured the rooms and laboratories, photographed instruments, items of equipment and books from the library and checked one computer. It completed its assignment at 1200 hours and at 1230 hours moved on to the Ministry of Health's Serum and Vaccine Institute in Amiriyah, Baghdad, which it had visited the previous day (15 December). The team inquired about some of the items mentioned in the recent Iraqi declarations, and it checked those items and consulted the stores inventory lists. It completed its assignment at 1440 hours and arrived at the Canal Hotel at 1515 hours.

3. UNMOVIC missile inspection team

The team divided into two groups.

(a) One group, consisting of 10 inspectors, left the Canal Hotel at 0825 hours and proceeded to the Ministry of Industry and Mining's Dhat al-Sawari State Enterprise some 20 kilometres north of Baghdad. It met the company's liaison officer with the National Monitoring Directorate (NMD), and team members asked him about the company and its activities. The group visited the brick and conduit works, one of the stores and a drinking water plant at the site. It cut short its visit without seeing more when it became evident that the site was not relevant to its area of competence but to that of the chemical team. The group completed its assignment at 1220 hours and arrived at the Canal Hotel at 1305 hours.

(b) The other group, consisting of eight inspectors, left the Canal Hotel in Baghdad at 0840 hours. At 0855 hours it arrived at the Sa`d State Enterprise in Karradat Maryam, Baghdad. Jointed by a group from the IAEA inspection team, it interviewed the general manager and asked him about the company's assignments, the institutions linked with it, its budget, the designs it produces and its clients for those designs, and its relationship with other entities. After concluding the interview the group toured all sections of the enterprise, inspected the rooms and leafed through some documents and drawings. It also inspected three computers. The group completed its assignment at 1240 hours and arrived at the Canal Hotel at 1305 hours.

4. IAEA inspection team

The team divided into three groups.

(a) One group, consisting of three inspectors and led by Faranik Babyan, left the Canal Hotel at 0830 hours. At 0855 hours it reached the premises of the Sa`d State Establishment. On arrival, the group interviewed the general manager and asked him about the company and its activities. It toured all sections of the enterprise, including the administration, finance and computer sections. The group also toured a branch of the Rafidain Bank that is located in the same building. It completed its assignment at 1230 hours and arrived at the Canal Hotel at 1247 hours.

(b) A second group, consisting of nine inspectors and led by Karik Lafandar, left the Canal Hotel at 0830 hours and proceeded to the Hattin State Enterprise, an MIC company located some 50 kilometres south of Baghdad. An IAEA team had also visited it on 14 December. On arrival the group met with the general manager, and he gave them an overview of the company's various divisions. It asked about the aluminium tubing, and the general manager provided a full explanation of the situation. The group then proceeded to conduct a radiometric survey of all facilities, and it also received a specimen of the aluminium and of aluminium filings. The group checked the tagged equipment and machinery mentioned in Iraq's declarations. It then proceeded to the Quds State Enterprise, which had also been visited by UNMOVIC and IAEA teams a few days earlier. On arriving, at 1035 hours, it interviewed the general manager and familiarized itself with the company's structure and activities. It also inspected all facilities and took samples of the waste water entering the treatment unit, the drinking water and the soil. The group completed its assignment at 1255 hours and proceeded to the State Mechanical Industries Enterprise (Ministry of Industry and Mining), which makes agricultural tractors and related accessories. It arrived at 1300 hours and met with the assistant to the general manager and asked him about the company's activities. The group then inspected all the major areas in order to familiarize itself with the pre-existing and recently imported machinery and equipment, and it conducted a radiometric survey using hand-held instruments in order to detect any radioactivity there might be. The group completed its assignment at 1445 hours and arrived at the Canal Hotel at 1530 hours.

(c) The third group left the Canal Hotel at 0830 hours. At 0915 hours it arrived at the MIC's Qa`qa State Enterprise. This company was subject to the ongoing monitoring regime, and the inspection teams of the Special Commission visited it on dozens of occasions. IAEA and UNMOVIC inspection teams had

visited it a few days earlier. On arrival, the group inspected the workshops and asked about their use. It completed its assignment at the enterprise at 1225 hours and arrived at the Musayyib munitions stores at 1255 hours to check the 81-millimetre rockets. The group photographed crates of rockets and then proceeded to the Mu'tasim plant, which is part of the MIC's Rashid State Enterprise. It had also been inspected by UNMOVIC and IAEA teams a few days earlier. It arrived at the site at 1335 hours and visited the mechanical testing and calibration workshop and the assembly shop and familiarized itself with their activities. The group then went to the Hattin firing range to see the test launcher used for the 81-millimetre rocket. It completed its assignment at 1425 hours and arrived at the Canal Hotel in Baghdad at 1530 hours.

Remarks

1. The 81-mm rocket has a range of 10 kilometres, is fired from a launcher and is made from the aluminium tubing that, in his report, British Prime Minister Tony Blair claimed Iraq had imported to be used in a centrifuge for the purpose of making a nuclear bomb.

2. Inspection activities on this day were notably intensive. Fifty-five inspectors participated in such activities and inspected a total of 12 sites. The work included the inspection of all sites and equipment, interviews and meetings with site managers and their NMD liaison officers, and radiometric surveys of sites to detect any prohibited activity. It should be noted that many of the sites inspected on this day were alleged by the United States and the United Kingdom to be engaged in prohibited activities and the fabrication of weapons of mass destruction.

United Nations S/2002/1375

Security Council

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19 December 2002

Original: English

Letter dated 16 December 2002 from the Secretary-General addressed to the President of the Security Council

Please find attached for your consideration and for the consideration of the members of the Security Council a letter, dated 12 December 2002, from the President of the International Criminal Tribunal for Rwanda, Judge Navanethem Pillay (see annex).

(*Signed*) Kofi A. **Annan**

02-74887 (E) 191202

Annex

Letter dated 12 December 2002 from the President of the International Criminal Tribunal for Rwanda addressed to the Secretary-General

I have the honour of writing to you concerning the invitation I had extended to representatives of the Republic of Rwanda to visit the Tribunal.

On 22 October 2002, in my capacity as President of the Tribunal, I extended an invitation to the Minister of Justice and Institutional Relations of Rwanda, Mr. Jean de Dieu Mucyo, the President of the Supreme Court of Rwanda, Judge Simeon Rwagasore, and the Prosecutor General of Rwanda, Mr. Gerald Gahima, to visit the Tribunal and to observe first hand the judicial proceedings. Such a visit would have also given us the opportunity to brief the delegation in detail on the organization and functioning of the Tribunal, as well as enabled us to discuss matters of mutual concern.

During the course of 2002, relations with Rwanda have deteriorated to the point where two Trial Chambers were obliged to remind the Government of its obligation to cooperate with the Tribunal, in particular with regard to the transfer of witnesses from Rwanda. On 26 July and 2 August 2002, I requested the Security Council to implement such measures as it deemed appropriate to ensure that the Tribunal could complete its mandate.

When I presented the Tribunal's annual report to the General Assembly and the Security Council on 28 and 29 October 2002, I reported that Rwanda accepted my invitation to visit the Tribunal and expressed optimism that some of our difficulties would be resolved during that visit.

The visit was scheduled to take place on 10 December 2002, however, on 9 December, I received a fax from the Minister of Justice and Institutional Relations, Mr. Jean de Dieu Mucyo, indicating that his delegation would not be visiting the Tribunal as originally scheduled and that the visit should be postponed. The Honourable Minister gave no indication as to a date to which the visit should be postponed. I will nevertheless, once again, pursue this matter early in 2003, as it is of the utmost importance that all difficulties experienced by the Tribunal be resolved as soon as possible.

In light of the above, I would be grateful if you could inform the President of the Security Council of the indefinite postponement of the visit by the Rwandan delegation to the Tribunal.

(*Signed*) Judge Navanethem **Pillay**
President

United Nations S/2002/1376

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19 December 2002

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Report of the Security Council Mission to Kosovo and Belgrade, Federal Republic of Yugoslavia

14-17 December 2002

I. Terms of reference of the Mission

1. At the invitation of the Special Representative of the Secretary-General in Kosovo, Michael Steiner, the Security Council decided to send a mission there, as conveyed to the Secretary-General by the President of the Council in his letter of 21 November 2002 (S/2002/1271). The visit took place from 13 to 17 December 2002. Earlier Council missions to Kosovo took place in April 2000 (see S/2000/363) and June 2001 (see S/2001/600).

2. The Mission had the following objectives:

(a) To find ways to enhance support for the implementation of Security Council resolution 1244 (1999) and the work of the United Nations Interim Administration Mission in Kosovo (UNMIK) to this end;

(b) In this context, to observe the operations of UNMIK and the situation on the ground, and specifically to obtain an update on Mr. Steiner's benchmarks, including the rule of law, the rate of sustainable return and the privatization agenda; in addition, to discuss the challenges faced by UNMIK, particularly the follow-up to the local elections, decentralization and the situation in Mitrovica; and report its conclusions to the Security Council;

(c) To convey a strong message to the provisional institutions for self-government, local leaders, the newly elected municipal officials and all others concerned, about the need to:

(i) Use the opportunity created by the local elections to move forward with the decentralization process and to further develop democratic institutions;

(ii) Promote inter-ethnic reconciliation and inclusion;

(iii) Reject all violence and condemn extremist and terrorist activities;

(iv) Ensure public safety and order, promote stability and security;

(v) Support the full and effective implementation of Security Council resolution 1244 (1999) and fully cooperate with UNMIK and the international security presence to these ends;

(d) Explore ways to enhance cooperation between UNMIK and the authorities of the Federal Republic of Yugoslavia on the basis of the UNMIK-Federal Republic of Yugoslavia Common Document of 5 November 2001, and the opportunities for increased cooperation between Pristina and Belgrade;

(e) Look at the impact of the regional situation on the work of UNMIK.

II. Composition of the Mission

3. Ambassador Ole Peter **Kolby** (Norway) (Head of Mission)

Ambassador Stefan **Tafrov** (Bulgaria)

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Ambassador Jagdish Dharamchand **Koonjul** (Mauritius)

Ambassador Adolfo **Aguilar Zinser** (Mexico)

Ambassador Gennady M. **Gatilov** (Russian Federation)

Ambassador Adam **Thomson** (United Kingdom of Great Britain and Northern Ireland)

Ambassador Richard S. **Williamson** (United States of America)

Counsellor Paul **Ekorong à Dong** (Cameroon)

Minister Counsellor **Chen** Xu (China)

Minister Counsellor José Renato **Salazar** (Colombia)

First Counsellor Emmanuelle **d'Achon** (France)

Counsellor Paul Goa **Zoumanigui** (Guinea)

Counsellor John Paul **Kavanagh** (Ireland)

Brigadier General **Yap** Ong Heng (Singapore)

First Secretary Milad **Atieh** (Syrian Arab Republic)

III. Activities of the Mission and summary of meetings

4. *Upon arrival in Pristina on 14 December 2002, the Mission received a briefing by the Special Representative of the Secretary-General*, as well as briefings by the Principal Deputy Special Representative and Deputy Special Representatives of the UNMIK pillars, police and justice (United Nations), civil administration (United Nations), institution-building (Organization for Security and Cooperation in Europe (OSCE)) and economic reconstruction (European Union).

5. The Special Representative of the Secretary-General stated that Kosovo had made notable progress over the past three years, with important developments occurring in the last six months. The overall improvement in the security situation was illustrated by a 27 per cent decrease in the crime rate. In 2002, for the first time, the inflow of minority returns to Kosovo exceeded the outflow; the second round of municipal elections had been conducted in an orderly and peaceful manner; UNMIK had extended its authority to the northern part of Mitrovica; the process of privatizing socially owned enterprises had begun; the transfer of the remaining Kosovo Albanian prisoners from Serbia proper had taken place; and the provisional institutions of self-government had been established. Kosovo had 105 commercial bank offices and a functioning social service, with 70,000 payments having been made through the basic pension scheme in November 2002 alone.

6. The Special Representative of the Secretary-General pointed out that Kosovo has a multi-ethnic Assembly and Government to which UNMIK had begun the process of transferring responsibilities and gradually moving from direct administration (with the exception of the responsibilities reserved to the Special Representative of the Secretary-General) to advising and monitoring these fledgling institutions, which still needed to be consolidated and strengthened. In order to assist local authorities in taking full responsibility under the Constitutional Framework, UNMIK was continuing capacity-building programmes, including training for the police and local judiciary. In this context, UNMIK was trying to ensure that the provisional institutions remain within, and fully respect, the Constitutional Framework. There had been some tension with the local leaders who wanted further responsibilities delegated to them. Among the problems encountered were attempts by the Kosovo Assembly to go beyond its mandated powers and not fully comply with all the provisions of the Constitutional Framework, particularly with regard to minority interests. The Assembly had passed six laws, of which two were promulgated by the Special Representative of the Secretary-General, two were pending and two were rejected on the grounds that the Kosovo Assembly had overstepped its powers in the areas of foreign policy and minority rights. The Special Representative had used protection mechanisms with regard to the higher education law and his authority to appoint minority judges and prosecutors.

7. The recent municipal elections had been successful and produced changes in the political landscape at the local level. Kosovo Serbs had participated for the first time in elections at the municipal level, albeit in small numbers in areas where they did not constitute a majority, resulting in a power shift in some municipalities. In the northern part of Mitrovica, there had been a virtual boycott of the ballot. The implementation of the election results was

ongoing, and had seen minority community representatives in some areas being brought in as coalition partners alongside the majority parties. The percentage of women in municipal assemblies had increased from 8 to 29 per cent.

8. UNMIK still retained certain responsibilities in the municipalities, which were carried out by the Civil Administration pillar. With reductions in its budget (18 per cent less than the previous year's funding), UNMIK was adjusting to face the new budget realities. Accordingly, it had accelerated reductions in the Civil Administration pillar, cutting staff by 50 per cent and projecting a further 40 per cent reduction in the next year. Therefore, by the end of the fiscal year, UNMIK would retain only minimal monitoring capabilities in the municipalities, which might in turn limit its ability to ensure management controls and inter-ethnic fairness at the municipal level.

9. Promoting returns, combating organized crime, and developing the economy remained the main priorities and challenges. UNMIK had focused on creating the conditions for sustainable and voluntary return of minorities to Kosovo. A turning point had been reached in 2002, when the inflow of people to Kosovo outpaced the outflow. Increased donor funding for return projects was necessary to support further progress in 2003. Providing internally displaced persons with information relating to the conditions for return, and establishing an appropriate infrastructure, such as education, social services, employment and income-generating projects, were ongoing. However, the situation remained fragile, as ethnically motivated incidents and vandalism hampered the return process. While the continuous engagement of the Kosovo Force (KFOR) in providing a safe and secure environment was still necessary, the main challenge was not in keeping a physical peace but rather "mental peacekeeping". The majority should take responsibility for the well-being of minorities and minorities should integrate and participate in the institutions established under resolution 1244 (1999).

10. A secure environment was not just a precondition for minority return but also for investment in Kosovo. Inhabitants of Kosovo were focusing more and more on the economy as the security situation became relatively safer. The high level of unemployment, about 56 per cent, remained a challenge. Kosovo had entered into the stage of long-term economic development, including the initiation of the privatization process. The power situation remained unstable despite significant progress in restoring the electrical capacity that had been lost as a result of the lightning strike in July. An increased demand for electricity and non-payment of electricity bills exacerbated the issue. The application of a tough disconnection policy increased the collection of bills from less then half to 80 per cent.

11. The recent appointment of 11 Kosovo Serb judges and prosecutors signalled a major step forward in the establishment of a multi-ethnic judiciary. The extended length of pre-trial detention, due to the time necessary for translation, remained a problem. UNMIK explained, in response to questions from the Mission, that a number of cases of war crimes had come to trial in Kosovo in 2002 in accordance with the responsibilities of UNMIK in this area. Should the International Tribunal for the Former Yugoslavia issue a warrant against a person in Kosovo, UNMIK would make the necessary arrests. The reasons for such arrests should be explained to the general public in simple terms, making clear that such arrests were directed against individual suspects and not against communities or institutions.

12. The Kosovo Police Service (KPS), now more numerous than UNMIK police, played an increasingly important role in providing law and order in Kosovo. Currently, one police station was being run solely by KPS. KPS had also established itself as a legitimate police service in the north. The recruitment of KPS officers in the north of Kosovo, however, continued to face opposition from elements in the Kosovo Serb population. Organized crime remained a challenge. The Kosovo Organized Crime Bureau had become more operational, contributing to anti-crime efforts. Cooperation in the region with Albania, Serbia proper and the former Yugoslav Republic of Macedonia would assist in the fight against organized crime.

13. UNMIK relations with Belgrade had improved. The Kosovo Government would soon be represented in the High-Ranking Working Group as a full member. Direct dialogue between Belgrade and Pristina had not yet started. Such a dialogue on practical matters of common concern was a necessity.

14. One of the main challenges following the establishment of the provisional institutions was managing the aspirations of the Kosovo Albanians for independence and staving off challenges to the authority of UNMIK during the interim period. For

example, despite the ambitions of some members of the Kosovo Protection Corps (KPC), UNMIK remained committed to KPC's status as a civil emergency agency with no military or security functions. It had been clearly stated that Kosovo's status remained open and Security Council resolution 1244 (1999) was the only guideline for UNMIK. The Security Council would determine the future status and no party had a right to prejudge it.

15. The Special Representative of the Secretary-General stated that Kosovo no longer saw itself as an "island". Regional cooperation was improving. Solutions that might lead to a mono-ethnic Kosovo were not an option, as this might have repercussions, causing a chain reaction throughout the region, primarily in the former Yugoslav Republic of Macedonia and Bosnia and Herzegovina. Nor was partition an option.

16. In order to manage this critical interim period and measure progress and setbacks in Kosovo, UNMIK had introduced the benchmark concept. This approach is supported by the Security Council. UNMIK was now in the process of operationalizing the benchmarks by defining specific indicators and, starting in January, would report to the Council on their implementation, providing a baseline against which progress could be measured. Recent consultations with the provisional institutions had indicated, however, that the benchmarks had not yet been internalized as their own goals. The Special Representative of the Secretary-General had emphasized the importance of the "standards before status" concept, noting that, while it had been widely accepted in Kosovo, concrete actions in that direction had yet to be seen.

17. The Council Mission in its interventions supported the "standards before status" approach and the prioritization of the rule of law, economic development and the return of internally displaced persons and refugees. It also supported the extension of UNMIK's authority to northern Mitrovica and welcomed UNMIK's cooperation with Belgrade and with the international security presence on this issue. The Mission felt that it was important that the same administrative system was applied throughout Kosovo. The Mission supported the initiative of the Special Representative of the Secretary-General for a "decentralization plan" for Kosovo, underlining the importance of developing such a plan in consultation with the local communities and in accordance with European standards. The Mission welcomed the improved cooperation between UNMIK and the Federal Republic of Yugoslavia, and noted the importance of enhancing that cooperation.

18. *On 14 December, the Mission met with representatives of the provisional institutions of self-government, namely the President of Kosovo, Ibrahim Rugova; the Prime Minister, Bajram Rexhepi; the President of the Assembly, Nexhat Daci; and the Inter-Ministerial Coordinator for Returns, Milorad Todorovic.*

19. The Kosovo Albanian representatives reported significant progress over the past three and a half years, including the improved security situation; the creation of a functioning police service; and the establishment of provisional institutions of self-government. They assessed the car bombing in Pristina, on the eve of the Mission's arrival, as sending the wrong message about the security situation, which, they noted, had in fact been improving. Economic development, including the need to address the high unemployment rate, implementation of privatization and integration of ethnic minorities remained priorities. The productive working relationship between the provisional institutions and UNMIK had been encouraging, but a further transfer of authority should be discussed and accelerated. While admitting that Kosovo's status remained an open issue, an early recognition of Kosovo's independence was advocated as a means of accelerating the democratization of the region and economic development in Kosovo. Some believed that placing standards before status was ineffective — rather both should be pursued simultaneously. They maintained that it was difficult to implement the standards required without a concomitant level of responsibility, and that some standards could not be achieved without defining the status of Kosovo. Nevertheless, the provisional institutions were committed to continuing cooperation with UNMIK in efforts to create a tolerant democratic society. The President of Kosovo warned that confirmation of the Serbia-Montenegro Constitutional Charter could generate problems in the region.

20. The President of the Assembly pointed out that, although ethnic Albanians constituted 90 per cent of Kosovo's current inhabitants, minorities occupied 34 per cent of the seats in the Kosovo Assembly, which demonstrated the level of respect for minority rights in Kosovo. The fact that the Kosovo Assembly was the

only parliament in the region to adopt a resolution on the return of minorities also illustrated the Assembly's commitment to respecting the rights of all residents and to supporting the rule of law. With regard to Kosovo's Government, relations, including inter-ethnic relations, within the Cabinet were excellent. The Government was also engaged in affirmative action, offering employment to minorities.

21. The Inter-Ministerial Coordinator for Returns provided a different assessment. The Kosovo Serb population had little reason to be satisfied with the degree of progress, since two thirds of the Kosovo Serb population remained displaced. Kosovo Serbs experienced difficulties in all areas, from health and education to the use of their language and alphabet. Inside Kosovo, freedom of movement for minority communities remained unsatisfactory. While unemployment among Kosovo Albanians was high, it was even higher within the Kosovo Serb population. The issue of missing persons continued to complicate the political situation and impede reconciliation between the two communities. "Standards before status" was supported as the appropriate approach to the situation in Kosovo and the representative called for implementation of the decentralization strategy. All representatives, regardless of ethnicity, supported the goal of achieving European standards.

22. The Mission emphasized the "standards before status" approach and the responsibility of the provisional institutions for assuming the competences transferred by the Constitutional Framework for the benefit of all inhabitants. The Mission further underlined the provisional institutions' responsibility for working together with UNMIK for the full implementation of resolution 1244 (1999) and stressed the importance of full cooperation with the Tribunal. Underlining international support for a democratic, pluralistic and multi-ethnic Kosovo, the Mission urged the Government to see itself as the government for all the inhabitants of Kosovo and not just as the representatives of its own electorate. In this context, the Mission called upon the representatives to demonstrate clear leadership in promoting reconciliation and the inclusion of all communities. The international community sought progress in this field and closely monitored developments. The Mission called upon the Kosovo leaders to publicly denounce acts of violence, hate speech and expressions of intolerance.

23. Noting that the rule of law was the foundation for a democratic society and for economic development, the Mission warned that lawlessness affected all communities and undermined all efforts to create a prosperous and democratic Kosovo. The Mission encouraged the provisional institutions to work closely with UNMIK and other international organizations (Council of Europe, OSCE, European Union) for the realization of the benchmarks, and towards achieving European standards. The Mission stressed that, above all, the provisional institutions must take responsibility for the inclusion of all communities and the respect for human and civil rights, as well as the respect for law and order in Kosovo. The importance of increased cooperation between Pristina and Belgrade was also underlined.

24. *Also on 14 December, the Mission met with representatives of the Kosovo Assembly, including members of major Kosovo Albanian political parties and the Kosovo Serb coalition (Povratak), as well as representatives of other ethnic communities.* The Assembly members were deeply divided along ethnic lines in their assessment of the current situation. The mainstream Albanian parties pledged to work towards the establishment of the rule of law and democracy for all communities in Kosovo. They asserted, however, that their efforts had been restricted by a lack of authority and by the Special Representative's reserved powers. To make the provisional institutions more efficient, Kosovo Albanian representatives requested that the authority of the provisional institutions be further extended. Some of the representatives claimed that substantial self-government in Kosovo had already been achieved with the establishment of provisional institutions. A new Security Council resolution was therefore needed. Some requested that the Security Council address the issue of Kosovo's status. The most extreme suggestions went as far as changing UNMIK's mandate and limiting it to monitoring functions, or transferring the monitoring task to the European Union, with the continued presence of NATO, until final status, which would respect the right of self-determination, was recognized.

25. Kosovo Serb representatives said they believed that the positive changes which had occurred in Kosovo had not affected the situation for the ethnic Serb minority. They emphasized, in particular, the lack of the freedom of movement and neglect for the cultural rights of minorities, insufficient returns and the

destruction of churches. The Kosovo Serb representatives urged UNMIK to be more proactive on the issue of returns and on the protection of the rights of minorities. Representatives of other Kosovo minorities had been better integrated into Kosovo's institutions but, nevertheless, encountered a lack of attention from the international community to their specific problems and some pending issues relating to their cultural rights.

26. The Mission supported the "standards before status" approach of the Special Representative of the Secretary-General, emphasizing that the earlier the benchmarks were achieved, the earlier the status issue could be approached. Standards were also important for economic development, as without stability and the rule of law no foreign investments should be expected. The Mission noted that the Security Council remained committed to Kosovo and urged the Assembly members to denounce ethnic hatred and focus on the future. The Mission underscored the responsibility of the Assembly and all its representatives and political parties to assume the competences transferred by the Constitutional Framework for the benefit of all the people in Kosovo, and emphasized the importance of observing democratic procedures in the working of the Assembly. A special emphasis was given to the inclusion of, and respect for, the views and interests of all communities important for a democratic, stable and prosperous Kosovo. The Mission underlined the responsibility of all representatives and political parties, to work together with UNMIK for the full implementation of Security Council resolution 1244 (1999), stressing that a "result-oriented" approach by all parties to legislative work was essential. The Mission urged the Assembly members to seek consensus, noting that a constructive opposition was vital for a functioning democracy.

27. It further underscored the importance of increased cooperation between Pristina and Belgrade. Participation in the work of the Assembly was necessary in order to promote the interests of the communities. Non-participation led to a lack of representation and the loss of any possible influence on the legislative process. The Mission noted that each community had a different agenda, and emphasized that multi-ethnicity was the only way forward, and urged the communities to engage in a constructive dialogue. It is most important for the different communities to learn to listen to each other and not to speak past each other.

28. *On 14 December, members of the Mission met with families of missing persons.* Representatives of the families of missing persons noted the support provided by UNMIK and by the Special Representative in clarifying the fate of some 3,500 missing persons. This included a recent UNMIK organized exhibltion of personal effects that allowed the identification of some of the missing. The relatives of the missing persons sought the Mission's assistance in receiving relevant information from the Serbian and Yugoslav authorities on the fate of their family members, including opening records believed to be in possession of Serbian courts for review by the Tribunal. The Mission noted the need to address this important issue and undertook to study the material presented and take appropriate action.

29. *At KFOR headquarters on 15 December, the KFOR Commander, Lieutenant General Fabio Mini, briefed the Mission on the security situation and the main tasks and challenges of the international security presence.* KFOR had assessed that a safe and secure environment existed in Kosovo, punctuated by some acts of violence. It had continued its weapons searches at crossing points and within Kosovo, and the number of reported weapons discovered at crossing points had decreased, although that could be only a seasonal phenomenon. Principal challenges to public security concerned the continuing existence of inter-ethnic violence, organized crime and social and political extremism. The perception among the minorities was that insecurity was growing. An information campaign was important in addressing that perception and KFOR continued to provide static guards at certain patrimonial sites and to provide escorts. Regrettably, a large number of churches had been destroyed in the first months of the mission. More recently, the debate on final status could fuel extremism and impact the security situation and therefore needed to be carefully managed.

30. While KFOR maintained and developed a climate of safety and security, it also continued to support UNMIK and to decrease the level of dependency on KFOR. It supported UNMIK in its fight against organized crime, but did not assume law enforcement responsibilities in that regard. That support included the transfer of appropriate responsibility to the civil authorities, so as to facilitate KFOR's withdrawal from large-scale framework operations. The handover of

responsibilities would proceed as the civilian bodies were ready. The transfer, or "unfixing", was a common strategy between KFOR and UNMIK, involving decisions based on a common threat assessment and agreement between both parties. Some tasks remained purely military in nature; others could be carried out by UNMIK police and the Kosovo Police Service. KFOR was also working closely with UNMIK in the process of transferring civilian functions at Pristina Airport, and would continue to fulfil certain functions at the airport. KFOR had recently restructured itself into four brigades from the previous five, and troop levels had been reduced accordingly. The number of troops currently stood at 27,188, from a top strength of 49,400 in December 1999. The further restructuring and downsizing of KFOR would not affect its ability to operate and would be based upon an assessment of the security situation. Overall, the cooperation and coordination between UNMIK and KFOR were excellent.

31. The Mission supported the efforts of KFOR and acknowledged that the presence of KFOR continued to be an essential factor of stabilization and security in Kosovo and in the region. Minority communities continued to look to KFOR for their security. It noted that the security situation had improved over the last year and that KFOR could take credit for this development. The Mission expressed deep concern at the influence of organized crime on Kosovo, while acknowledging that it was not a phenomenon exclusive to Kosovo but one that affected the entire region and needed to be solved through a regional approach. It took note of the support provided by KFOR to the efforts of UNMIK and the local authorities in combating organized crime.

32. *Also on 15 December, the Mission visited Mitrovica and held a series of meetings, the first of which was a briefing on the Kosovo Trust Agency and the process towards privatization by Andy Bearpark, the Deputy Special Representative of the Secretary-General for Economic Reconstruction (European Union pillar).* The Deputy Special Representative stated that there had been a notable improvement in the economic situation. A significant amount of reconstruction had been carried out; the road system was functioning; and Kosovo had the highest growth rate in Europe for the past three consecutive years, albeit from a very low baseline. UNMIK had successfully fostered a change from the former cash-based economy to the use of banks.

33. The current economic situation was, however, based on the presence of the international community with its significant spending power, the large aid programme and remittances from the diaspora. During the past year, inflows resulting from the international community's presence had decreased, as organizations began to downsize heavily. The amount of donor funding had decreased, from €650 million in 2001 to €437 million in 2002 and was projected to fall to €271 million in 2003. Serious economic decline, with its related problems, was forecast for 2004. Normally, a decline in grant funding would be offset by access to international financial institutions, but this had proved difficult, given Kosovo's unresolved status. UNMIK was working with the World Bank and the International Monetary Fund to find a creative solution to obtain access. Local political leaders had not yet shown themselves ready to assume responsibility for such long-term economic decisions. Organized crime and, more worrying, institutionalized corruption, were further impediments to economic development.

34. Direct investment was needed in order to drive economic development forward. Privatization would attract the private sector to invest, although it would not solve all of Kosovo's economic problems. Enterprises had to be brought into the private sector in order to bring in investment, promote trade and create employment. The appropriate vehicle to achieve this goal was the Kosovo Trust Agency (KTA). It was responsible for privatizing (or liquidating) some 550 socially owned enterprises and for managing the transition and transformation of publicly owned enterprises. The Agency did not have the mandate to privatize publicly owned enterprises. The KTA headquarters had recently been relocated to northern Mitrovica, to foster economic development in the north.

35. It was estimated that only a small number of socially owned enterprises were economically viable, most of them in agricultural processing. The KTA board had recently approved the first wave of 25 firms to be offered for sale as "flagship privatizations". It was hoped that the tenders would be published early in 2003. Privatization alone would not produce income or employment, but it would free productive capacity. Any funds generated would be frozen to cover potential claims from owners and creditors. Privatization would

result in the loss of non-essential jobs in socially owned enterprises. UNMIK had been in constant dialogue with authorities in Belgrade on the issue of privatization.

36. *During the visit to Mitrovica, the Mission also held a meeting with representatives of Kosovo Serb and Bosniac civil society, the majority of whom were women.* These representatives observed that northern Mitrovica was the only truly multi-ethnic city in Kosovo. Their perception of the situation in the rest of the province, characterized by increased insecurity and a complete lack of freedom of movement, uncontrolled sale of property, absence of returns and the slow pace of decentralization, was not positive. Kosovo Serbs were looking for and requesting their basic rights, including freedom of movement, education, freedom to exercise their religion, access to health care and the use of their own language and alphabet. The economy and the employment situation in the north had to improve. Previously, 85 per cent of Serbs worked for socially owned enterprises; now, none of them were employed. Kosovo Serbs had had no chance to benefit from the international humanitarian assistance phase, which was now coming to an end. Without such assistance, Serbs in the north would be unable to cope, especially as connections with Belgrade were being cut by UNMIK.

37. The low voter turnout in northern Mitrovica had been the local Serb reaction to existing conditions. Those who had voted were unable to visit elected Assembly representatives in Pristina, who themselves had to travel there by armoured vehicle. Where such basic guarantees were found wanting, it was questionable whether participation in Kosovo's self-governing institutions would bring results. Expressing a different view, one representative advocated the need to look forward. While it was difficult to acknowledge that Kosovo Serbs had become a minority, it should be accepted. Nevertheless, there was a minimum below which they could not go. Decentralization should have been implemented prior to holding the recent elections.

38. Kosovo's Serb and Albanian communities had lived together in the past without incident. For the past three years the international community had tried to force them to think about living together again. It would be possible to live together once more, but the issue should not be forced. One representative urged that time pass and business be allowed to take hold to help draw the two communities together. Other representatives placed greater emphasis on the need to improve freedom of movement before concentrating on the economy. The Bosniac representative believed that UNMIK could have done more to prevent the departure of Bosniacs from Kosovo through, for example, a veto on the sale of property.

39. The situation ultimately required a political solution. People would not remain in Kosovo if they did not have prospects. Conditions were more dramatic in the minority enclaves. A mono-ethnic Kosovo would be the end result. A path towards Europe was crucial, even though to date the majority community had been built up to European standards while the non-majority communities had been left behind.

40. The women of northern Mitrovica experienced the same problems as women around the world. They were well educated and capable of making a positive difference if they were given the chance and support. Women could also contribute to the development of civil society and play an important role in reconciling communities.

41. The Mission referred to its messages, made at the reception the preceding evening. The Mission wanted Kosovo to be a multi-ethnic, inclusive society. It appealed to the representatives to integrate and find a life within Kosovo. The Mission had also called upon the Kosovo Albanian leaders to make room for the minorities to live in Kosovo. The Mission believed that if there were a multi-ethnic society in Kosovo integration into Europe would be easier. The Mission also wanted a unified Kosovo, and so supported UNMIK's actions in Mitrovica. In order for the economy to function and to attract investment, Kosovo needed to become a normal society. The former situation of reliance upon socially owned enterprises would not return. Something new must be built. Until recently, Mitrovica had been divided and was not attractive to investment. The Mission encouraged the representatives to look to the future, not to the past. The Mission also supported returns. It stressed that all extremism must stop and that everyone should try to be more pragmatic. There were a lot of practical problems that needed to be dealt with, and everyone should work together and focus on these issues. The Mission cited the Security Council resolution on women, peace and security and noted the special role and ability of women to help in conflict situations. The Mission was aware of all the problems and difficulties that the Kosovo Serbs were facing. The international presence

was important to help solve the problems and to create an atmosphere for their resolution.

42. *Also during the visit to Mitrovica, the Mission received a briefing from the Special Representative, and the Regional and Municipal Administrators of Mitrovica, on the evolution of the UNMIK presence in northern Mitrovica and the status of implementation of its Mitrovica strategy.* The former parallel administration was an incomplete continuation of the pre-conflict municipality. It did not operate fully, but only in certain limited areas. The establishment of UNMIK authority had been smooth, but required continuous follow-up to become self-sustaining. Excellent coordination with KFOR had contributed to the successful implementation of the strategy. Over 550 applications, many from staff of the former parallel structure, had been received for only 70 positions. Quick-impact projects were ongoing and university education in the Serbian language was now available. It was important to return Kosovo Albanians to the north and Kosovo Serbs to the south. The economic situation in the north, however, remained precarious.

43. The real challenge remained security and overcoming the fears of both communities. Reconciliation had been blocked for a long time by the parallel structures. UNMIK supported reconciliation, but believed that it had to come from within if it was to have a fundamental effect; it could not be imposed. UNMIK would continue to promote inter-ethnic dialogue through trade, business, returns and other practical issues. Continued political and financial support from the international community was key to this process. Those who wanted to create two municipalities did not truly want a multi-ethnic society. The presence of an office of the Federal Republic of Yugoslavia/Republic of Serbia Coordination Centre in northern Mitrovica was acceptable if the office provided a liaison function only and not a parallel administration.

44. *On 15 December, the Mission met with the Presidents of the Municipal Assemblies in Mitrovica region, namely, the President of Leposavic municipality, Velimir Bojovic; the President of Mitrovica municipality, Faruk Spahija (LDK); the President of Srbica municipality, Ramadan Gashi (PDK); the President of Vucitrn municipality, Muharrem Shabani (LDK); the President of Zubin Potok municipality, Slavisa Ristic (DSS); and the President of Zvecan municipality, Dragisa Milovic (DSS); three of them are Kosovo Albanians and three Kosovo Serbs.*

45. The Presidents of Mitrovica, Srbica and Vucitrn municipalities were encouraged by the past developments in Mitrovica region and expressed gratitude for the support of UNMIK and the Special Representative of the Secretary-General in that regard. The Kosovo Albanian community was trying to assist UNMIK to establish a society based on the rule of law and human and minority rights standards. There were several recent examples of projects that had been undertaken by Albanian and Serb communities that demonstrated that coexistence was possible. More needed to be done, however. They acknowledged the need for joint cooperation and encouraged further economic opportunities for the region. The decision to open an UNMIK office in northern Mitrovica was welcome. However, to ensure long-term cooperation regarding Mitrovica, the consolidation of the office, in line with resolution 1244 (1999), was necessary. Full transparency was paramount. They expressed the hope that UNMIK would also maintain cooperation with the citizens of Mitrovica as well.

46. The Presidents of Leposavic, Zubin Potok and Zvecan municipalities welcomed the opportunity for the representatives of all the municipalities to meet together for the first time. The Kosovo Serb population living in Mitrovica was less than satisfied with the implementation of resolution 1244 (1999). They expressed the hope that the mission in Kosovo would not come to an end before the resolution had been fully implemented. They expected the international community to focus in the coming year on the return of the Serb and other non-Albanian communities to Kosovo. Full freedom of movement and security for minority communities was a prerequisite. That included the need for assistance from international donors to returnees, as well as investment in the economic infrastructure of Mitrovica. While the Kosovo Serb community was in favour of the rule of law in Kosovo, it should apply to all communities. They noted that statements by Kosovo Albanian representatives in favour of Kosovo's independence would mean that the Serbs of Kosovo would not dare to stay. While northern Mitrovica was truly a multi-ethnic society, the same could not be said for the rest of Kosovo.

47. The Mission referred to the statement made by the Head of Mission the previous evening in which all

the Mission's messages were contained. The Council supported and applauded standards before status. It wanted Kosovo to be multi-ethnic and multi-national. The rule of law should be the basis for normalcy, and this would attract investment.

48. *Also on 15 December, the Mission visited the Kosovo Police Service School in Vucitrn, where they were briefed by the Director of the School, Steve Bennet, and the Police Commissioner, Stefan Feller, as well as a high-ranking KPS officer, Colonel Ahmeti, and met with a multi-ethnic group of KPS officers.* The Kosovo Police Service School was central to building the KPS. It offered, besides a basic training course, a range of specialized and advanced courses. While basic training continued, the school had turned its focus towards supervision and management and specialized in-service training. The institution-building pillar (OSCE) continued to operate the School at full capacity while transition was going on within its administrative and instructional functions. International staffing levels had been reduced from a peak of 267 (early 2001) to 86. Concurrent to this reduction and as an ongoing process, national staff were training for national professional officer status to fill the administrative posts previously held by international staff. After a period of operational duties, fully trained KPS officers had returned to the school to become trainers.

49. UNMIK police and KPS were a single organization and present throughout Kosovo. It had been deliberately established as one entity to ensure a seamless transition to a sustainable local police service in the future. Now there were more trained KPS officers (5,545) delivering police services in Kosovo than UNMIK police officers (4,500). KPS officers included 16 per cent minority and 16 per cent female members. The goal was to have 6,530 KPS officers in 2004, and to continue the handover of police stations to full KPS control, the first having occurred in Gracanica on 15 November. The merit-based competitive system of recruitment was highly selective. Some 23 per cent of KPS officers were former police officers. Despite initial pressure in northern Mitrovica not to join KPS, a sufficient number of applications had been received. It had evolved into a police service that was trusted and respected by the inhabitants of Kosovo. The transition was moving towards all stations under KPS control, with international police being responsible only for monitoring and advising. UNMIK police had set up an internal mechanism to address complaints. The Mission welcomed the positive developments in creating a truly multi-ethnic police service.

50. *On 15 December, the Mission met with leaders of returnees from Kosovo Albanian and Kosovo Serb communities and the Municipal Assembly President in the Gnjilane municipality, as well as with representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and non-governmental organizations.* Sustainable returns were one of the major priorities for UNMIK. UNMIK and its partners were guided by a strategy based on the principle of a bottom-up approach: meeting the needs of internally displaced persons and refugees for employment, health care and access to public services; linking demand and opportunities for return; and facilitating inter-ethnic dialogue at return sites.

51. UNHCR and non-governmental organization representatives indicated that, for sustainable returns, the trust of the local population was required. This could be achieved through organizing meetings and making no distinction between returnees and the local population. Income-generation projects were of ultimate importance, relieving returnees from humanitarian assistance. Returns in the context of the reconstruction process made those communities more attractive for further returns.

52. UNHCR considered returns in the context of the protection of human rights. Building infrastructures around returns facilitated the rehabilitation of the entire community, thus making the local population more receptive and promoting the integration of returnees. Applying that approach had enabled returns to mixed communities in the Gnjilane area. Some 5,800 members of minority groups had returned to Kosovo, mostly to the Gnjilane region. Although that number represented perhaps 2.5 per cent of internally displaced persons and refugees from minority communities in Kosovo, it formed a basis for working for higher levels of returns.

53. Limited freedom of movement and discrimination in the delivery of social services, together with economic factors, particularly the high level of unemployment, remained constraints for returns. Proactive positions of the provisional institutions, the involvement of municipal authorities and donor support were necessary to overcome those obstacles. UNMIK

was seeking donor funding of €30 million for returns in 2003.

54. *The same day, the Mission visited the Pristina Municipal Assembly, where it met with deputies from various political parties.* Most of the Assembly members noted the improvement of the security situation. They expressed support for the decentralization concept on the assumption that it would mean the transfer of power to municipalities rather than the creation of ethnic enclaves. The conversion of KPS into a municipal police was suggested. Municipal Assembly members believed that the current economic situation was the major obstacle for returns. In their opinion, the municipality was not in a position to provide housing, jobs and schools for potential returnees. In that connection, one Kosovo Albanian representative referred to the "standards before status" concept, and stated his belief that sustainable returns were possible only after standards were reached. Some Kosovo Albanian Assembly members believed that ethnic Serbs did not want to integrate and accept the new reality in Kosovo.

55. The only Serb member of the Municipal Assembly was pessimistic about the progress achieved. She was concerned that, of some 44,000 Serbs who lived in Pristina before the war, few remained in the city; Serb cultural sites had been destroyed; and no Serbs had been employed in the major Kosovo enterprises. The decentralization concept and regulation No. 2000/45 on local municipalities gave minorities a chance to coexist in Kosovo, providing a necessary security mechanism. Restoring the property rights of the minorities was an urgent priority and progress was too slow in that regard. Representatives exchanged harsh words when it came to describing the situation of the Serb minority in Pristina.

56. The Mission noted the importance for all communities to learn how to live together and urged the Assembly members to reject extremism of all kinds. The Mission further encouraged them to look to the future and seek moderation.

57. *Also on 15 December, the Head of Mission, accompanied by some Mission members, met with a group of Kosovo women representing some of the different ethnic communities, members of the political establishment and civil society.* Members of the Kosovo Assembly representing the ethnic majority followed the line of the mainstream Kosovo Albanian parties, indicating the progress achieved and calling for the expeditious transfer of power to the provisional institutions of self-government and for Kosovo's independence. Standards and status should therefore be applied on a twin track, particularly because some standards could not be accomplished without status. Referring to suggestions of conditional independence that had been made by some think tanks over the past year, they called for Kosovo to be given immediate independence but to remain an international protectorate. They claimed that the minority had been integrated and a dialogue had already begun with the Serb community. Some asserted that a multi-ethnic Kosovo would be possible only when the standard of living became attractive not only to the local population but also to immigrants. Members of the Assembly were concerned that their law-making role was restricted by the reserved powers of the Special Representative of the Secretary-General and believed that new laws should replace outdated legislation promulgated during the prior regime. While 34 members of the Assembly were women, none served in the Government.

58. The civil society representatives emphasized that women of different ethnicities were working together on peace-building projects but did not receive any support from UNMIK or from OSCE. The Bosniac community member complained that the concerns of her community had been neglected, and stressed that the multi-ethnicity concept should apply to all minorities, not only to Serbs.

59. The Head of the Mission emphasized that women had an important role to play in reconciliation and called on them to build consensus in the society. He urged the majority to be inclusive and the minority to participate in Kosovo institutions. The Head of the Mission reiterated the Security Council's support for the "standards before status" concept, emphasizing that no investments could be expected without that.

60. *On 16 December, at the end of the visit, the Mission and the Special Representative held a joint press conference at Pristina. The Head of the Mission provided a general overview of the activities of the Mission. He reconfirmed the statement issued on 14 December (see annex I) and noted the positive progress that had been made since the Council's last visit (see annex II). Thereafter he and the Special Representative responded to questions.*

61. *On the same day, the Mission, accompanied by the Principal Deputy Special Representative, had separate meetings in Belgrade with the President of the Federal Republic of Yugoslavia, Vojislav Kostunica, the Prime Minister of Serbia, Zoran Djindjic, and the Deputy Prime Minister of Serbia and President of the Coordination Centre of the Federal Republic of Yugoslavia and the Republic of Serbia for Kosovo and Metohija, Nebojsa Covic.*

62. The Yugoslav and Serbian authorities noted progress in Kosovo, particularly the recent municipal elections, the establishment of provisional institutions of self-government, the appointment of Serbian judges and prosecutors and good relations between Belgrade and UNMIK. They supported the establishment of a multi-ethnic society in Kosovo. But, Kosovo remained far from this goal. The security situation required further improvement. The slow pace of returns, the lack of respect for the human rights of minorities and the destruction of the Serb cultural heritage in Kosovo were of concern. They did not believe that one could claim serious improvement unless there was a significant return of internally displaced persons, which had not yet occurred. Verbal support and attempts to address these issues were insufficient — concrete results were necessary. The key to improving the situation was decentralization and returns. The Prime Minister expressed his personal sentiment in favour of creating specific central structures to guarantee the collective rights of minorities. The Federal Minister for Foreign Affairs later spoke along similar lines.

63. The authorities of the Federal Republic of Yugoslavia favoured a direct dialogue between Belgrade and Pristina, and noted that earlier invitations to the Kosovo Albanian leadership to open such a dialogue had been rejected. They believed that UNMIK could facilitate such a dialogue by promoting contacts between Belgrade and influential bodies or groups in Kosovo. President Kostunica noted that the first areas of cooperation should be concrete and focus on issues of concern to all communities and the region. The improved relations between the Federal Republic of Yugoslavia and Albania were noted as a positive development.

64. The authorities of the Federal Republic of Yugoslavia supported the "standards before status" approach. Kosovo's final status should not be prejudged, for example, through the structure of the stabilization and association process for Yugoslavia. The time was not yet ripe for final status discussions because the standards had not yet been fulfilled. Mr. Djindjic believed that, when the time was ripe, the options for the final status of Kosovo should be measured against their consequences. All interlocutors believed that Kosovo's future should be considered in the regional context and in the European prospective. In this regard, Mr. Djindjic proposed a democratic European strategy for the entire region.

65. Mr. Covic emphasized the continuing relevance of the provisions in the Common Document of the Federal Republic of Yugoslavia and UNMIK, and he called for the Council's full support for its implementation. The authorities of the Federal Republic of Yugoslavia supported Serb participation in Kosovo institutions. Such participation, however, would be meaningful only if minorities would truly benefit from it and their voice was heard. President Kostunica noted that parallel institutions in northern Mitrovica would not exist anymore.

66. The issue of privatization of Kosovo's enterprises was raised, and the constructive dialogue with the economic reconstruction pillar (European Union) was noted. The problem of debts owned by Kosovo was also raised, together with Kosovo's direct access to international financial institutions. Organized crime, smuggling and corruption remained a problem for the region and were concrete areas where cooperation between Belgrade and Pristina could prove fruitful. UNMIK's efforts to foster a regional approach to these issues, such as the recent conference on cigarette smuggling held at Pristina, were appreciated.

67. The Mission underlined the importance of Belgrade's full cooperation in the implementation of resolution 1244 (1999), which the Mission supported. It stressed the need for full cooperation with the Tribunal. Also, the resolution of outstanding issues in Kosovo could be achieved only in dialogue among all affected parties. There could be no right of veto, but neither could there be any exclusion of legitimate interests or parties. The Mission welcomed the improvement in relations between Belgrade and UNMIK, and underlined the importance of continuous cooperation between Belgrade and UNMIK. It was important that Kosovo Serbs be encouraged to participate fully in the provisional institutions of self-government. The Mission appealed to Belgrade to encourage Kosovo Serbs to be constructive partners in

these institutions. The Mission was committed to promoting the return of internally displaced persons and refugees to Kosovo. The respect for security, human and civil rights was vital for stability and prosperity in Kosovo, as well as throughout the region.

68. *Later that afternoon the Mission met with representatives of the Serbian Association of Families of Missing Persons.* Representatives of the families of missing persons appealed to the Mission to help to resolve the fate of some 1,300 Kosovo Serb and other non-Albanian individuals who had gone missing before, during and, especially, after the arrival of the international presence in Kosovo. Noting that 2003 would mark the fourth anniversary of their disappearance, the representatives urged UNMIK and the relevant international organizations, as well as the Government in Belgrade, to do more to find out what had happened to them. The members of the Mission heard several compelling personal accounts from the relatives of the missing persons and, underlining the importance of resolving the fate of the missing from all communities as a matter of priority, promised to study closely the information provided to them at the conclusion of the meeting and to take appropriate action.

69. *On 17 December, the Mission met with the Federal Minister for Foreign Affairs, Goran Svilanovic.* Mr. Svilanovic noted good cooperation with neighbours and stressed the need for the Kosovo issue to be put in a regional framework within which political issues, such as minority problems and the establishment of European standards, should be included. Regional cooperation, particularly the improvement of relations between the Federal Republic of Yugoslavia and Albania, could be helpful for improving the situation in Kosovo. Cooperation on the fight against trafficking and corruption was also of importance. A regional economic agenda included cooperation on the establishment of free trade areas; transport and communication; agriculture; the regional energy market; and new technologies. Cooperation between Belgrade and Pristina could be developed on practical issues such as crime prevention and energy. Mr. Svilanovic believed that "quick fixes" could jeopardize the situation in the region. A longer-term European prospective was more viable. The enlargement of the European Union could be a tool for resolving the Kosovo issue.

70. The return of internally displaced and missing persons remained highly important and emotional issues. Security, the efficiency of the elected institutions, public services and education also remained priority areas. Mr. Svilanovic believed that Kosovo Serbs should be encouraged to stay in Kosovo and supported the facilitation of a dialogue within communities and between them.

71. The Mission noted the complexity of the situation in Kosovo, affected by distrust and apprehension on both sides. It underscored that the majority should take responsibility for the well-being of the minority and that the minority had to participate in the work of the local institutions. Minorities must enjoy better security and improved freedom of movement. The Mission noted the difficulties related to the return of minorities but expressed hope for a possible improvement in the situation. The Mission encouraged the authorities of the Federal Republic of Yugoslavia to persuade Kosovo Serbs to participate in Kosovo's local institutions. The Mission objected to parallel structures in Kosovo and expressed appreciation for the role of the Federal Republic of Yugoslavia in the resolution of the situation in Mitrovica. Belgrade's enhanced cooperation with UNMIK was welcomed. Members of the Mission noted the substantial progress in Kosovo but acknowledged that the situation there remained fragile. In this regard, the importance of the benchmarks approach and a reconciliation process had been emphasized. Members of the Mission stressed that, whatever the future status of Kosovo, it would need to relate to the region. An eventual expansion of the European Union could provide a unique opportunity for the Federal Republic of Yugoslavia to join the European Union set of standards.

72. *On 17 December, at the end of the visit, the Mission held a press conference at Belgrade. The Head of the Mission provided a general overview of activities of the Mission. Thereafter, he responded to questions.*

IV. Findings of the Mission

73. Since the last mission of the Security Council to Kosovo, the Mission finds notable progress in several areas as regards the implementation of Security Council resolution 1244 (1999). Elections held for the Kosovo Assembly in 2001 and the municipalities in 2002 have led to the formation of the provisional institutions of self-government and the new municipal

assemblies. The process of handing over power and responsibilities to the local institutions continues. There is also progress in the area of the rule of law. Crime rates are down and security is improving. The Kosovo Police Service continues to increase in numbers, and the judiciary is in the process of being re-established — both of them as multi-ethnic bodies. For the first time, there is a larger number of minority returnees than those leaving. Nevertheless, the overall figures of internally displaced persons and refugees from minority communities returning remain low. The Mission noted a sharp contrast between the number of returnees and those who still remained internally displaced, and the daunting task that lies ahead and the financial implications of this task. There is also progress in the preparations for the privatization process. Cooperation between UNMIK and Belgrade has improved. The establishment of UNMIK administration in the northern part of Mitrovica has been necessary for the implementation of a uniform standard of administration throughout Kosovo and marks an important move against parallel institutions. The Mission believes that UNMIK's presence in the northern part of Mitrovica is an important step forward for the normalization of living conditions in the city.

74. The Mission in this respect is impressed by the work of UNMIK and KFOR, and it also notes the interest in and dedication to this work by some members of the communities in Kosovo.

75. The formulation of benchmarks for the realization of standards is a constructive approach for the further development of Kosovo as a democratic, multi-ethnic society. The Mission looks forward to the next report on UNMIK with a further detailing of the benchmarks so as to measure progress. The Mission hopes that the benchmarks can be worked out with local authorities in Kosovo to build local "ownership" of them. The Mission holds the view that "standards before status" is the only viable way forward.

76. The Mission was consistent in its message to all interlocutors regarding standards before status, multi-ethnicity and integration of all communities, and their responsibility for the full implementation of Security Council resolution 1244 (1999). It urges the newly elected bodies to use their competencies, transferred in accordance with the Constitutional Framework, for the benefit of all inhabitants. The Mission stresses the importance of participation by all communities in the work of elected bodies.

77. The Mission notes that, in spite of these positive developments, the situation remains fragile in Kosovo. Much work remains to be done, both by UNMIK and the Kosovo institutions and communities. This covers, inter alia, the rule of law, sustainable return, local ownership of Kosovo's progress, democratic development, inter-ethnic reconciliation and dialogue, cooperation between Pristina and Belgrade 'and the fight against organized crime.

78. The firm establishment of the rule of law is central to achieving security, functioning democracy and sustainable economic development. Even though there has been notable progress in this area, the Mission finds that a continued strong effort is necessary to achieve the goals in this area.

79. The sustainable return of minorities is a precondition for a multi-ethnic society. A considerable amount of attention and resources should be dedicated to this issue. Even more than financial assistance, there is a need for region-wide and local commitment to supporting conditions for sustainable return. Security, confidence-building and economic viability are all vital factors that must be addressed in order to achieve a significant, sustainable and successful return process. This is a responsibility for all levels of Kosovo society. UNMIK should, together with local institutions and civil society, continue to work with a comprehensive approach in order to move the return process forward.

80. Reconciliation and dialogue measures are paramount in this regard. One important contribution to reconciliation between the communities is the resolution of the fate of the missing persons from all communities. UNMIK is encouraged to press forward on these issues in consultation with ICRC, KFOR, the provisional institutions and concerned local non-governmental organizations and with Belgrade. UNMIK is requested to keep the Council regularly informed. The Council is urged to continue to follow the issue.

81. The Mission points out that the progress achieved so far has been driven to a large extent by the international community. The Mission has the firm impression that local ownership and commitment to these processes has been less than could have been expected. It is important that UNMIK make further efforts to involve the local institutions and political leaders in the practical formulation and implementation of political goals and strategies. A case in point is the

further specification and implementation of the benchmarks for the eight standards articulated in the "standards before status" policy. A greater degree of local ownership of, and commitment to, the realization of these standards is a prerequisite for their ultimate successful implementation. Naturally, the communities themselves also have a critical responsibility in this regard.

82. The recently held municipal elections were conducted in a well-organized and non-violent fashion. Participation levels were on average disappointingly low, especially so as regards Kosovo Serbs. Greater effort must be made to promote participation in the political process in Kosovo. Effective participation by all communities in these institutions is a prerequisite for a functioning democracy in Kosovo. Special emphasis is given to the inclusion of, and respect for, the views and interests of all communities by the local institutions. The Mission stresses a "result-oriented" approach through consensus.

83. The Mission underscores the necessity that elected representatives act in a responsible and solution-oriented manner to provide basic services for the inhabitants of their municipalities. The Mission emphasizes that the handing over of responsibilities from UNMIK administrators to the locally elected bodies needs to be done in a way that ensures local ownership and accountability. There are huge tasks for the municipal assemblies to address. Municipalities have a particular responsibility to foster dialogue, reconciliation and conditions for sustainable return and to act against corruption. UNMIK should support efforts in this regard.

84. The Mission urges UNMIK, in consultation with local institutions and elected representatives, to further elaborate the proposal for a decentralization of competences to municipalities without delay.

85. It is the opinion of the Mission that the time has come for cooperation between Pristina and Belgrade on practical issues. UNMIK should consider the ways and means of facilitating such contacts and practical cooperation. The provisional institutions of self-government should take steps within their competences to make this possible.

86. The Mission underscores the importance of viewing developments in Kosovo in a regional perspective. Events in Kosovo have an impact on the surrounding region and vice versa. This is not only linked to political issues but also to security, law and order and economic development. The Mission points to the need for regional cooperation in order to, for example, effectively combat organized crime, including trafficking.

87. In the light of the many difficult issues yet to be resolved, the Mission is of the view that continued substantial international engagement in Kosovo will be necessary for the foreseeable future.

88. The Mission would like to express its appreciation to the Special Representative, Michael Steiner, and the staff of UNMIK for their efforts to realize the decision of the Security Council. The Mission likewise expresses its gratitude to General Fabio Mini and KFOR. The implementation of resolution 1244 (1999) remains high on the Security Council's agenda, and the Mission is impressed by the hardworking dedication of the men and women of UNMIK, local and international, working together with local and international partners to fulfil (the objectives of) this resolution.

Annex I

Remarks made by the Head of the Mission at Pristina on 14 December 2002

The Security Council is focused on three key issues in Kosovo: standards before status, multi-ethnicity and integration.

We fully support the eight standards articulated by the Special Representative to the Secretary-General, Michael Steiner, as the yardstick for measuring Kosovo's progress. We also strongly endorse his priorities: "standards before status". The foundation of all other standards is the rule of law.

The people of Kosovo have much to do to achieve these standards. Verbal support is not enough. Real efforts must be made on the ground to make the standards reality. Kosovo is still a long way from having truly functioning democratic institutions and a society in which minorities can fully participate.

UNMIK has reached the stage of transferring responsibilities to Kosovo's provisional institutions; the more the institutions demonstrate they can execute the responsibilities they already have, the more they will be given.

Nothing is more important than a demonstrated commitment to multi-ethnicity, not only in words but also in deeds.

All habitants of Kosovo must be able to live in security and dignity.

A Kosovo where members of minority communities are oppressed will face a bleak future of self-isolation.

Nothing would make a more powerful, positive impression on the international community than significant and sustainable returns of displaced people.

As the majority, Kosovo Albanians must take responsibility for the security of members of minorities and their full access to public services.

All people of Kosovo must reject violence and condemn extremist and terrorist activities.

At the same time, members of minorities must integrate into Kosovo society. Parallel institutions have no future; integration is the only way forward.

We recognize Kosovo's progress in establishing inclusive democratic institutions. Now Kosovo's elected leaders must ensure that they operate democratically.

That means the majority respecting the rights and role of the minority. As the Secretary-General said on his visit here, "Democracy is not 'winner takes all'".

The Security Council fully supports the assertion of UNMIK's authority in the northern part of Mitrovica.

Recent progress in Mitrovica represents a major step in making Kosovo a multi-ethnic and integrated society founded on legitimate authorities and the rule of law.

Improving the quality of life in Kosovo is now almost entirely in the hands of the people of Kosovo themselves.

No unilateral steps will determine Kosovo's final status. The United Nations Security Council will, in consultation with all concerned, ultimately determine Kosovo's final status.

Those who have Kosovo's best interests at heart will focus all their energies on making progress towards the eight standards.

All the standards are important. Kosovo must demonstrate its commitment to building a multi-ethnic society based on the rule of law. This will determine whether Kosovo is seen as a problem or as a partner by the international community.

Annex II

Statement made by the Head of the Mission at a press conference held at Pristina on 16 December 2002

You all have heard my speech on behalf of the Security Council from Saturday. The message of the Security Council has been consistent. What we have experienced here in Kosovo only underscores the validity of this message.

But I have to say compared to what we saw 18 months ago, there has been substantial progress.

The establishment of institutions is a major step forward. The security situation has improved significantly. The KPS is taking on increasing responsibility for law and order. The return process is under way, albeit on a small scale. The process of privatization is on track.

We are impressed by the work of UNMIK and KFOR as well as the dedication shown by local political leaders.

It is important that this work continues. The first steps have been taken. Much more remains to be done. This is vital if Kosovo is to become a multi-ethnic and democratic society.

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Letter dated 16 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 14 December 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning the violations of the demilitarized zone that were committed by United States and British warplanes in the period from 9 November to 6 December 2002, as shown in the attached table.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Salman**
Chargé d'affaires a.i.

02-74968 (E) 201202 241202

Annex to the letter dated 16 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General

Further to our letter of 16 November 2002 (S/2002/1265, annex), I should like to inform you that in the period from 9 November to 6 December 2002 United States and British warplanes flying from bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) committed 1,141 hostile violations of our international boundaries. As shown in the table appended to this letter, the relevant Iraqi agencies have determined that the violations committed were as follows:

1. Armed and hostile aerial activity by the United States and the United Kingdom, violating our international boundaries from Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone, comprised 1,141 armed sorties in the Basrah, Muthanna, Dhi Qar, Najaf, Qadisiyah, Karbala', Maysan and Wasit governorates.

2. Our technical systems identified the aircraft violating Iraq's airspace on a daily basis as American F-14s, F-15s, F-16s and F-18s and British Tornadoes.

3. An AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace provided support to all of the United States and British aircraft that carried out armed and hostile sorties, violating Iraq's airspace by way of the demilitarized zone.

4. Between 9 November and 6 December 2002, a total of 17 remotely piloted aircraft violated Iraq's airspace from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone.

All of the violations in question were committed by way of the demilitarized zone in which UNIKOM is stationed. One of UNIKOM's primary responsibilities is to monitor such hostile military operations and to report them and endeavour to halt them immediately.

The daily violations being committed by United States and British military aircraft with the approval of the Government of Kuwait and using facilities provided by it, together with the concomitant savage bombing of Iraqi towns and villages, are tantamount to an undeclared war. The United Nations must therefore take in their regard the measures that are required under the Charter in order to halt aggression and ensure that those committing it are made to bear international responsibility for their actions.

The statements of UNIKOM to the effect that it is unable to monitor or identify these aircraft are untenable in the light of the scientific and technological capabilities that are available and that it can obtain and use to fulfil the requirements of its mandate and establish the identity and nationality of the warplanes that are violating Iraq's sovereign airspace in order to take deterrent measures against the aggressors.

We urge the United Nations Secretariat to provide UNIKOM with systems capable of detecting all of the violations and identifying their source so that it can

notify the Security Council to take the necessary measures to halt these infringements forthwith.

I urge you once more to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you as soon as they occur and to specify the number and type of United States and British warplanes that violate the demilitarized zone, contravene the Security Council resolutions establishing the zone and commit aggression against Iraq, given that this constitutes State terrorism and wanton aggression against Iraq and against its people, its sovereignty and its territorial integrity, as well as against United Nations peacekeeping operations. I also ask you to alert the Security Council to its responsibility to halt this aggression and ensure that its perpetrators are held fully accountable for it under international law and in accordance with the Security Council resolutions relating to Iraq.

I further call upon you to intervene with Kuwait and urge it to respect the demilitarized zone, honour its commitments under the Security Council resolutions establishing the zone and urging all States to respect Iraq's sovereignty, independence and territorial integrity and to halt its participation in barbaric aggression that violates Iraq's territorial integrity, destroys the property of Iraqis and has left thousands of casualties among Iraqi citizens. Because of its association with this aggression, Kuwait has international responsibilities under the Charter of the United Nations.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Hostile aerial activity violating Iraq's international boundaries from Kuwait and by way of the demilitarized zone, 9 November-6 December 2002

Date	*From*	*Time*	*Type*	*Armed sorties*	*Altitude (metres)*	*Speed (km/h)*	*Areas overflown*
9 November-6 December	Kuwait	0615-2345	F-14, F-15, F-16, F-18, drone	1,141, and 17 drones	9,000-11,000	180-780	Basrah, Busayyah, Salman, Artawi, Lasaf, Ashbajah, Jalibah, Nasiriyah, Shatrah, Qal'at Salih, Amarah, Samawah, Najaf, Hayy, Diwaniyah, Hashimiyah, Kut, Nu'maniyah, Karbala', Nukhayb, Rutbah, Hillah, Talhah, Ukhaydir, Mukr al-Ni'am, Aziziyah, Razzazah, Ali al-Gharbi

United Nations S/2002/1378

Security Council

Distr.: General
19 December 2002
English
Original: Arabic

Identical letters dated 18 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the daily report for 17 December 2002 on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Salman**
Chargé d'affaires a.i.

02-74962 (E) 261202 261202

Annex to the identical letters dated 18 December 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Daily report on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq

Daily activity report for 17 December 2002

I. IAEA inspection team

The team divided into two groups.

Group I

The group, consisting of 15 inspectors, left the Canal Hotel at 0830 hours, heading for Ninawa Governorate. At 1435 hours it reached the Jabir ibn Hayyan State Establishment belonging to the Military Industrialization Commission, located 30 kilometres north of Mosul. There the group met those in charge of the enterprise and requested explanations of its activities, which were provided. The group conducted a radiometric survey using portable instruments, and inspected all sections of the company, gathering water and soil samples and taking inside measurements. At 1625 hours it ended the visit. The group spent the night in Mosul.

Group II

The group, consisting of two inspectors, left the Canal Hotel at 0830 hours. It proceeded to the Radwan State Enterprise, one of the corporations belonging to the Military Industrialization Commission, located 30 kilometres east of Baghdad and specializing in the production of safes. The group checked the tagged machinery and equipment and then visited the Ubur State Enterprise annexed to the Radwan State Enterprise, which is also a corporation belonging to the Military Industrialization Commission and which specializes in machinery and equipment maintenance. The group asked for explanations about the Iraqi machine "Jihad". It also inspected all the technical buildings at the factory. The group ended the visit at 1145 hours and arrived at the Canal Hotel at 1230 hours.

II. UNMOVIC missile inspection team

The missile inspection team divided into two groups.

Group I

The group, consisting of nine inspectors led by Mr. William Jolley, left the Canal Hotel at 0830 hours. At 0920 hours it arrived at the oxidizer production plant belonging to the Raya Centre, one of the Ministry of Industry and Mining's enterprises. This site is mentioned in Iraq's last biannual declaration. The inspection group held a meeting with the manager, whom it asked for explanations concerning

the activities at the site and asked when production had actually begun. The group also inspected all the company facilities. It ended the visit at 1115 hours and arrived at the Canal Hotel at 1155 hours.

Group II

The group, consisting of 12 inspectors led by Mr. Kenneth Grove, left the Canal Hotel at 0830 hours. At 1000 hours it arrived at the Amani factory, located in Amiriyah al-Fallujah, 70 kilometres east of Baghdad. The group requested explanations concerning changes that had taken place at the factory since 1998 and inspected the facilities at the site, asking to see the site plans, which were provided to them. The group ended its visit at 1335 hours and arrived at the Canal Hotel at 1510 hours.

III. UNMOVIC biological inspection team

Group I

The group, consisting of 12 inspectors, left at 0615 hours, heading for Ninawa Governorate, and arrived at 1100 hours at the Ninawa Pharmaceutical Enterprise, 15 kilometres north of Mosul. The group checked the Iraqi declarations and the tagged equipment, and took videos and photographs of areas of the enterprise. The group asked to see the site plans, and requested explanations of the activities at the site, all of which were provided to them. The group ended its visit at 1730 hours and stayed overnight in Mosul.

Group II

The group, consisting of nine inspectors, left the Canal Hotel at 0830 hours, and proceeded to the Biotechnology Department at the University of Baghdad Faculty of Sciences, located in Jadiriyah, Baghdad. Upon arrival, the group held a meeting with the director of the department, which was also attended by the dean of the faculty. The group asked questions about the department and its activities, which were answered. It also checked the portions of the Iraqi declarations pertaining to the department and the titles of the university research projects. The group ended its visit to the department at 1110 hours and proceeded to the Institute of Genetic Engineering, which it had visited the day before, taking measurements of the site, after which it returned to the Canal Hotel.

IV. UNMOVIC chemical inspection team

The team, consisting of 18 inspectors, left the Canal Hotel at 0840 hours. At 0955 hours it arrived at the chlorine factory belonging to the Tariq State Enterprise, which is under the authority of the Military Industrialization Commission. The site is subject to ongoing monitoring and verification, and the former Special Commission (UNSCOM) inspection teams had already visited on dozens of occasions, as had the UNMOVIC inspection team, which visited it on 9 December 2002. The team checked the Iraqi declarations and the tagged systems and chemical substances. It also inspected all the facilities and offices of the chlorine factory and the company headquarters offices. The group completed its assignment at 1610 hours and arrived at the Canal Hotel at 1750 hours.

United Nations S/2002/1379

Security Council

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19 December 2002

Original: English

Letter dated 18 November 2002 from the Secretary-General addressed to the President of the Security Council

I wish to refer to the aide-mémoire dated 26 August 2002 from the Government of Papua New Guinea and the letter dated 28 August 2002 from the Minister for Foreign Affairs of Papua New Guinea, Mr. Rabbie Namaliu (see annexes),* both addressed to me, providing information on the role of the United Nations Political Office in Bougainville and requesting an extension of its mandate for another year.

During the past year, steady progress has been achieved in the implementation of the Bougainville Peace Agreement. We would expect the peace process to be completed in the course of next year. The United Nations Political Office in Bougainville has played a central role in the implementation of the Bougainville Peace Agreement and all sides agree that its continued presence on the island is essential. This was reaffirmed at the meeting of the Peace Process Consultative Committee held at Arawa on 30 October 2002.

It would therefore be my intention to extend the mandate of the Office, which expires 31 December 2002, for a further 12 months in order to assist the parties to bring the peace process to a successful conclusion.

(*Signed*) Kofi A. **Annan**

* The annexes are circulated in the language of submission only.

02-75229 (E) 201202

Annex I

Aide-mémoire on recent developments and future needs relevant to the role of the United Nations Political Office/Observer Mission in the peace process in Bougainville, Papua New Guinea (UNPOB/UNOMB)

(26 August 2002)

Introduction

1. Since the signing of the *Bougainville Peace Agreement* on 30 August 2001, the attention and activities of all of the parties involved in the peace process in Bougainville, Papua New Guinea, have focused on the issues involved in practical peace-building.

2. Considerable progress has been made – and continues – towards the return of normalcy in Bougainville, though challenges still remain.

3. Noteworthy achievements so far during 2002 include:

- certification of the Constitutional Laws to give legal effect to the *Bougainville Peace Agreement* – so that the new Part XIV of the *Papua New Guinea Constitution* and the new *Organic Law on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum* now form part of the laws of Papua New Guinea;

- the issuing and entry into effect of the declaration granting immunity from prosecution for crisis-related offences on all sides, as provided in the *Lincoln Agreement on Peace, Security and Development on Bougainville*, 1998, and jointly prepared by the parties ;

- continuing implementation of the agreed weapons disposal plan included in the *Bougainville Peace Agreement* – on which the operation of the Constituional provisions on autonomy and the guarantee of a referendum among Bougainvilleans on Bougainville's political future depends;

- agreement by the Bougainville parties to a timetable for preparing and adopting the Bougainville Constitution, then holding elections, for the autonomous Bougainville Government; and

- ongoing progress in other areas of peace-building, including reconciliation, as well as restoration and development of services and economic opportunities on the ground.

4. In addition to playing an important role in carrying out specific elements of the agreed weapons disposal plan – and thereby preparing the groundwork for the new Part XIV of the National *Constitution* and the new Organic Law to become fully operational – UNPOB (which is known on the ground as 'UNOMB') has continued to provide valuable support for peace-building in Bougainville both by chairing the Peace Process Consultative Committee (PPCC), which facilitates consultation and co-operation between the parties, and in other ways.

5. Though the peace process still has some way to go – and UNPOB / UNOMB has further important contributions to make – the record so far suggests that UNPOB / UNOMB is among the more successful instances of United Nations' support for post-conflict peace-building, and should be allowed to continue until its agreed tasks are completed.

Implementation of the *Bougainville Peace Agreement*

(i) Key elements and their links

6. The *Bougainville Peace Agreement* provides for -

- the phased establishment of a democratic, autonomous Bougainville Government with its own Constitution, and able to draw down and exercise a wide range of guaranteed powers and functions, including access to funds and control over staff, within the *Papua New Guinea Constitution*;

- a deferred and conditional referendum among Bougainvilleans on Bougainville's political future - in 10-15 years, when weapons disposal and good governance have been achieved – with a separate independence for Bougainville as an option, and the outcome subject to the final decision-making authority of the National Parliament; and

- a weapons disposal plan, which proceeds in stages from placing guns in locked trunks under the control of former BRA and BRF commanders (stage 1) to secure storage in central containers with double-locks – with UNOMB supervising and holding one of the keys (stage 2), and then a decision on the final fate of the weapons within a further 4½ months after the new Part XIV of the *Constitution* becomes operational (stage 3).

7. The new Part XIV of the *Papua New Guinea Constitution*, which gives legal effect to the *Bougainville Peace Agreement*, became part of the law of Papua New Guinea on 25 June.

8. The provisions on autonomy and the guarantee of a deferred and conditional referendum will become operational when UNPOB / UNOMB verifies and certifies that stage 2 of the agreed weapons disposal plan has been achieved:

- the process, which is specified in the *Constitution*, is automatic following UNOMB's report;

the Government does not have any discretion once UNOMB's report is formally submitted and received.

9. It is, therefore, critical that UNPOB / UNOMB should proceed on the basis of close consultation.

(ii) Immunity and Pardon

10. The grant of immunity from prosecution for Bougainville crisis - related offences on all sides was made under a provision in the new Part XIV of the *Constitution* which is already in force.

11. The declaration made by the Governor-General on 2 August provides for immunity from prosecution in respect of activities carried out -

- in pursuit of the objectives of parties involved in the Bougainville conflict, including giving orders and/or carrying-out activities in the course of the armed conflict or against a person believed to belong to or support one of the parties, or in self-defence, or for the sake of the community, public order or justice in situations where normal legal processes could not be applied - or where people could not obtain licences, lodge returns or meet other legal requirements because of the crisis,

- between the beginning of the crisis, 1 October 1988, and the signing of the *Bougainville Peace Agreement*, 30 August 2001 - with provision for certain regulatory, licensing and similar offences to be covered until normalcy returns and compliance becomes practicable.

12. The grant of immunity covers all offences against Papua New Guinea law, including the *Criminal Code* and the *Summary Offences Act* - with certain, very carefully specified exceptions:

- the exceptions for which immunity will not be granted include offences committed for such criminal purposes as personal enrichment or for the following offences against he *Criminal Code*: infanticide, killing unborn child, and

assaults on females (rape, indecent assault, abduction and attempts);

- all other offences are covered, including preparation, conspiracy and accessories after the act, except for the regulatory, licensing and similar offences already mentioned.

13. Specific allowance has been made for the particular circumstances in which the agreed weapons disposal plan is being implemented – to encourage persons who illegally possess, own or control firearms to take part in the process; and to cover the commanders and officials involved.

14. Special protection is provided for persons who are – or fear they might be - charged with offences which they believe to be covered by the grant of immunity by –

- providing that they can apply to a court for a declaration they are covered by the grant of immunity, and

- requiring the prosecution to prove the case if it believes they are not.

15. In respect of anyone who has been convicted of a Bougainville crisis -related offence, including anyone who has completed their punishment as well as anyone who might still be serving a sentence, the National Executive Council has agreed to –

(1) inform the Advisory Committee on the Power of Mercy, which is an independent Constitutional body, of the immunity declaration, and

(2) apply the same principles to the recommendations it receives from the Advisory Committee on applications for pardon and the removal of criminal records.

16. The terms of the grants on immunity and pardon are based on close consultation and agreement between the parties involved in the Bougainville peace process.

17. They have generally been favourably received by the Bougainville parties, and have helped to consolidate and reinforce the mutual confidence on which practical weapons disposal depends.

(iii) Practical weapons disposal

18. Implementation of the agreed weapons disposal plan is clearly critical – and directly linked – to the timely and orderly achievement of other objectives, including:

- UNOMB's verification which will bring the provisions on autonomy and the guarantee of a referendum in the new Part XIV of the *Constitution* and the *new Organic Law on Peace-Building in Bougainville* into full operation;
- the holding of elections for the autonomous Bougainville Government (the date agreed by the Bougainville parties is between 30 March and 30 June 2003);
- the successful conclusion of their assignments – and exit – by the neutral, regional Peace Monitoring Group and UNPOB / UNOMB; as well as
- restoration of civil authority; and
- other aspects of restoration and development.

19. UNPOB / UNOMB plays an important role in weapons disposal:

- as chair of the PPCC and its Weapons Disposal Committee (WDC), through which the parties manage implementation of the agreed plan; and
- directly, through the responsibilities given it at each of the three stages (forwarding advice from communities when they are ready to the PPCC at stage 1; supervising and holding one of the keys to the containers at stage 2; and verifying and certifying compliance at stage 3).

20. Practical support and assistance in weapons disposal are provided by –

- by other United Nations agencies – the United Nations Office for Project Services (UNOPS) in planning and management, and the United Nations Development Programme (UNDP) in respect of funds; and

- the neutral, regional Peace Monitoring Group (PMG), which is made up of approximately 75 unarmed military and civilian personnel from Australia, Fiji, New Zealand and Vanuatu – who can, in turn, draw on the expertise of a further 10 Australian personnel.

21. Rapid, significant progress was made in implementing the agreed weapons disposal plan between December 2001 and late March 2002, when the proposed Constitutional Laws to implement the *Bougainville Peace Agreement* were before the National Parliament, such that –

- most of Bougainville had been covered by Joint Awareness Teams (JATs), made up of National Government officials and representatives of the Bougainville parties, who toured and worked together to promote public awareness, understanding and support of the agreed weapons disposal plan;

- a total of more than 900 high-powered weapons had been put away, including more than 200 high-powered, factory-made guns – enough to convince the National Parliament to give strong, unanimous and unqualified support to the proposed Constitutional Laws; and

- weapons disposal ceremonies had occurred in every District of Bougainville and Buka islands.

22. The process has since slowed – both because of the sensitivities generally associated with weapons disposal, and because of distractions arising specifically from the national elections.

23. As at 21 August:

- the total number of weapons put away stood at 1,513, including 288 high-powered, factory-made guns (the remainder are hunting and sporting, home-made or relics of World War II guns);

- 580 of the weapons, including 140 high-powered guns, belong to the Bougainville Resistance Forces (BRF), and 933, including 148 high-powered guns, to the Bougainville Revolutionary Army (BRA) - at certain locations, members of the two armed factions have stored their weapons together; and

- of the 10 Districts in Bougainville, weapons disposal had proceeded beyond stage 1 to stage 2 in five cases (in Bana, Selau-Suir, Tinputz, Torokina and Wakunai), and to stage 3 in one (Siwai, where 117 weapons had been destroyed).

24. At a PPCC meeting in June, the parties agreed that:

- the end of August will be the date for concluding stage 1 of the agreed weapons disposal plan throughout Bougainville;

- the end of September should be the target-date for achieving stage 2 around the island.

25. They also agreed to promote proper 'bottom-up' planning and more realistic budgeting for practical weapons disposal by involving the Co-Chairs of District Weapons Committees directly in the work of the PPCC / WDC, and to try to involve leaders more actively in weapons disposal.

26. In early July, UNPOB / UNOMB convened an Encounter on Weapons Disposal to promote and facilitate greater involvement in weapons disposal by Bougainville leaders.

27. **Meanwhile –**

- **the National Government and the Bougainville Administration have established the Bougainville Weapons Disposal Trust Account – to be used, along with funds provided to the UN by New Zealand the United Kingdom, to support practical weapons disposal (the Australian Government has also provided a number of vehicles excess to the PMG's requirements to assist with transportation);**

- **the Australian Government has provided A$5 million (= almost K10 million) to assist in re-integrating ex-combatants and communities – to be made available in response to applications after stage 1 of the agreed weapons disposal plan has been achieved; and**

- **a Combined Mission from the Department of Disarmament Affairs and the Department of Political Affairs, United Nations Secretariat, New York, visited Papua New Guinea in May to assess needs in relation to weapons disposal (its report is currently under consideration).**

28. Further, early progress is expected as a result of agreement to involve the Co-Chairs of District Weapons Disposal Committees in planning; the development of District-based weapons disposal plans; and the approval of guidelines and allocations for funding by the PPCC.

29. Discussions are proceeding on the best way of assessing progress, especially when stage 2 has been achieved. Options include:

- the use of agreed quantitative benchmarks, with particular reference to numbers of high-powered, factory-made guns; and / or

- agreement that chiefs and women's groups will 'sign off' when they believe weapons disposal has been

achieved in individual communities, at District-level and Bougainville-wide.

In view of the important consequences that flow from its role in verifying and certifying the achievement of stage of the agreed weapons disposal plan, it is vital that UNPOB / UNOMB plays its agreed part on the basis of consultation.

(iv) Timetable for progress towards establishment of the autonomous Bougainville Government

30. Bougainville leaders have met and agreed to the terms of reference and membership of the Bougainville Constitutional Commission, as well as a timetable for carrying out their part in preparing for the establishment of the autonomous Bougainville Government.

31. The Chairman of the Bougainville Constitutional Commission will be the President of the Bougainville People's Congress (BPC), Joseph Kabui, and his Deputy will be the Deputy Governor, Gerard Sinato.

32. They will be joined by a further 22 members (most of whom have yet to be named).

33. Key dates in the agreed timetable are:

August – September 2002:	consultations by Bougainville Constitutional Commission
October – November:	report
September – October:	establishment of the Bougainville Constituent Assembly
November – December:	adoption of report and Bougainville Constitution
January – March 2003:	presentation of report and draft Bougainville Constitution to National Executive Council

	Electoral boundaries determination
30 March – 30 June:	elections for autonomous Bougainville Government

34. The timetable is clearly very tight. It has, in fact, already slipped somewhat.

35. Meanwhile, the National Government is playing its part by gearing up to co-operate in preparing the joint implementation plans for Bougainville Government services (Public Service, Police and Correctional Services), as the *Bougainville Peace Agreement* provides.

(v) Implications for UNOMB

36. Because of its role in chairing the PPCC and the WDC, its specific role in giving effect to the agreed weapons disposal plan, and its wider contribution to building security and mutual confidence on the ground, UNPOB / UNOMB plays an important part in peace-building in Bougainville.

37. The *Bougainville Peace Agreement* not only provides for UNPOB / UNOMB to continue playing an important part in weapons disposal up to (and including) stage 3 of the agreed plan – within 4 ½ months after stage 2 has been achieved, and the new Part XIV of the National *Constitution* and the new *Organic Law on Peace-Building in Bougainville* become fully operational; it also anticipates that:

- UNPOB / UNOMB 'may be needed for a short period' to conclude its assignment during implementation; and
- the likely exit-date for UNPOB / UNOMB will be 'around the middle and not later than the end of 2002' (Paragraph 330).

38. However, progress with practical weapons disposal and the timetable for establishment of the autonomous Bougainville Government clearly imply that UNPOB / UNOMB will not be able to complete its agreed assignment until, at earliest, the first half of 2003 – and, possibly, even later in the year.

39. In view of the very significant progress already made in one of the most successful (and modest) instances of United Nations support for post-conflict peace-building, it is vital that the United Nations recognizes the need to ensure that peace-building in Bougainville is not disrupted and momentum is maintained – by:

- giving early consideration to the likely need to continue UNPOB / UNOMB into 2003, and

- ensuring the availability of the human and financial resources required.

(vi) – Progress and challenges in other areas

40. Signs of returning normalcy additional to those discussed above include:

- the way in which Bougainvilleans seem increasingly willing - and, as infrastructure is repaired, and the economy picks up, able - to move around Bougainville, and to other parts of Papua New Guinea;

- the generally orderly way in which the 2002 general elections in Bougainville were held - with candidates previously aligned with all major parties nominating and campaigning peacefully;

- increasing economic activity, including cocoa and copra production;

- re-opening and upgrading of infrastructure and services; and

- the reduction of the Defence Force presence to only about 24 personnel.

However, law and order is coming under increasing challenge, and more needs to be done to restore civil authority (including police, courts and correctional institutions).

41. Meanwhile, even though Francis Ona and the hard-core of his most militant supporters, including the Me'ekamui Defence Force (MDF), have remained outside the peace process, they have not disrupted it:

- recent attempts to expand the 'No-Go Zone' around Panguna appear to have been peacefully resolved; and
- contacts between elements of the MDF and the Bougainville parties, as well as the National Government, have been increasing – with members of the MDF re-organising themselves as the BRA's 'A Company' and attending the PPCC / WDC meetings in Buka in early July.

42. Other key challenges and priorities for early, sustained attention and action - additional to encouraging Francis Ona and his remaining supporters to lift the 'No-Go Zones' and participate actively in the peace process - include:

- reconciliation, and the disbandment of previously conflicting groups;
- restoration of civil authority;
- re-integration of ex-combatants and communities, including youths who missed out on education and training during the crisis;
- repair, replacement, upgrading and provision of infrastructure;
- restoration of services; and

increased opportunities for participating in the benefits of development.

43. In addition to the National Government and the Bougainville Interim Provincial Government (which proceeds on the basis of consultations with the BPC), a number of foreign aid donors provide financial and other support for restoration and development in Bougainville, including Australia, the European Union, Japan, New Zealand, and UNDP.

Conclusion

44. Bearing in mind the United Nations' commitment to peace, its strong and impressive record of positive, sustained and successful support for peace-building in Bougainville, Papua New Guinea, and the obvious need to continue work already begun in order to secure lasting peace there, Papua New Guinea respectfully requests the United Nations - and the United Nations Security Council and the distinguished United Nations Secretary-General, in particular – to:

(1) take note of the information about the peace process in Bougainville, Papua New Guinea, provided above,

(2) agree, in principle, that UNOMB / UNPOB will continue to operate in Bougainville until it completes the mandate specified in the *Bougainville Peace Agreement*, as previously agreed; and, consequently,

(3) give support, and allocate resources, for UNOMB / UNPOB to continue –

(i) into 2003 – until its mandate is completed, and,

(ii) if required beyond 30 June, subject to review before the middle of 2003.

PERMANENT MISSION OF PAPUA NEW GUINEA
TO THE UNITED NATIONS **26 AUGUST 2002**

Annex II

Letter dated 28 August 2002 from the Minister for Foreign Affairs of Papua New Guinea addressed to the Secretary-General

Extension of Mandate for the United Nations Political Office/Observer Mission in Bougainville, Papua New Guinea (UNPOB/UNOMB)

I have the honour to refer to the United Nations Political Office in Bougainville, Papua New Guinea - UNPOB, which is known on the ground as the 'United Nations Observer Mission in Bougainville – UNOMB', and the very positive role it plays in supporting the peace process in Bougainville, Papua New Guinea.

As the *Aide Memoire* of 26 August which my Government has already sent to the United Nations Secretariat, the Security Council and other United Nations members makes clear, UNPOB / UNOMB's contribution to peace-making and peace-building in Bougainville is especially important and valuable at the current, critical stage when it is actively engaged in co-ordinating implementation, promoting support and carrying out certain agreed responsibilities in relation to the agreed weapons disposal plan. These responsibilities include verifying and certifying when stage 2 of the plan has been achieved, at which point UNPOB / UNOMB will be responsible for supervising while holding one of two keys to each of the containers in which guns will be securely stored – and the agreed arrangements for autonomy and the guarantee of a referendum among Bougainvilleans on Bougainville's political future become operational.

In what may be world first for such a body, UNPOB / UNOMB's role is, in fact, specified in Constitutional Law (the *Constitutional Amendment on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum*, Section 2).

It is, therefore, critical that UNPOB / UNOMB remains in existence and able to fulfil the mission to which the parties involved in the Bougainville peace process have all agreed, for which the United Nations has given strong, practical support, and for which our *Constitution* provides.

As you will recall, the *Bougainville Peace Agreement* (Paragraph 330) both forecast and encouraged the parties to proceed on the basis that UNPOB / UNOMB would be able to exit during the second half of this year (Paragraph .

While progress with weapons disposal and other aspects of peace-building has been good, it has not proceeded quite as fast or as far as originally hoped and predicted. The national elections and the sensitivities which are the almost invariable accompaniments of practical weapons disposal are among the contributing factors.

It is, therefore, now clear that stage 3 of the agreed weapons disposal plan, the decision on the final fate of the weapons (which the agreement specifies will be made within 4½ months after UNPOB / UNOMB verifies and certifies stage 2, and the Constitutional provisions on autonomy and referendum become operational) cannot be concluded before the end of this year.

The details are set out in Papua New Guinea's *Aide Memoire* of 26 August, which also makes clear that the autonomous Bougainville Government can be established and the guarantee of a referendum will become effective only when UNPOB / UNOMB reports that stage 2 of the agreed weapons disposal plan has been achieved.

Following on from the *Aide Memoire*, I now have the honour of forwarding Papua New Guinea's formal request seeking the United Nations' agreement to extend the mandate for UNPOB / UNOMB so that it can complete its previously agreed assignment.

Papua New Guinea, therefore, formally requests that:

(1) the information about the peace process in Bougainville, Papua New Guinea, provided in the *Aide Memoire* dated 26 August is noted; and

(2) the mandate for the United Nations Political Office / Observer Mission in Bougainville, Papua New Guinea, (UNPOB / UNOMB) be extended for up to a further twelve months (to the end of 2003), until the conclusion of its agreed assignment.

In conclusion, let me express Papua New Guinea's sincere appreciation for your own, the Secretariat's, the Security Council's and United Nations members' continuing support for what we pray will continue to be a successful joint venture in peace-building in order to secure lasting peace by peaceful means.

Respectfully yours,

RT HON. RABBIE L. NAMALIU, KCMG MP
MINISTER FOR FOREIGN AFFAIRS

United Nations S/2002/1380

Security Council

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19 December 2002

Original: English

Letter dated 19 December 2002 from the President of the Security Council addressed to the Secretary-General

I have the honour to refer to your letter of 18 November 2002 addressed to me concerning your intention to extend the mandate of the United Nations Political Office in Bougainville (UNPOB) for 12 months, and your expectation that UNPOB can fulfil its mission within that period.

The Security Council takes note of your letter of 18 November 2002 and the importance of elections to the continuing peace process, and endorses a final extension of the mandate of the Office for 12 months to 31 December 2003.

The Council fully supports the important role UNPOB continues to play in implementing the Bougainville Peace Agreement. The Council is concerned, however, that delays in the implementation of the Agreement have led to the need for an extension of UNPOB's mission by a full year beyond the end-date envisioned a year ago. Specifically, the Council is seriously concerned that ongoing delays in the completion of stage two of the weapons disposal process, which must be certified by UNPOB, are preventing progress towards the formation of an autonomous Bougainville government and the coming into operation of the guarantee of a referendum among Bougainvilleans on Bougainville's political future.

The Council strongly urges all parties to the Agreement to fully abide by their obligations to the Agreement within the time frame of the UNPOB mandate, in particular to turn in all outstanding weapons and respect the integrity of the arms disposal process.

In order to better track and assess the progress of the UNPOB mission, the Council requests that the Secretariat produce a written report, within existing resources, on UNPOB progress prior to the Council's next quarterly briefing on Bougainville. The Council requests that the report include a clear exit strategy for the completion of UNPOB's mission and withdrawal, with a timetable and benchmarks that incorporate the holding of elections, as well as details on what specific steps UNPOB intends to take to meet each objective in its exit strategy on time.

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The Council requests that the Secretariat, through UNPOB, convey the present letter to the parties to the Agreement.

The Council calls upon the donor community to continue supporting the implementation of the Agreement, in particular the weapons disposal process.

(*Signed*) Alfonso **Valdivieso**
President of the Security Council

United Nations S/2002/1381

Security Council

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19 December 2002

Original: English

Letter dated 13 December 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution S/RES/1284 (1999), which requires me to consult the Security Council and the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) on the appointment of suitably qualified experts as UNMOVIC Commissioners.

Ms. Malmi Marjatta Rautio resigned from the College of Commissioners recently and I would like to propose the appointment of Ms. Olga Pellicer (Mexico), Professor, Department of International Studies, Autonomous Technological Institute of Mexico.

I should be grateful if you would bring this matter to the attention of the Security Council.

(*Signed*) Kofi A. **Annan**

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United Nations S/2002/1382

Security Council

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19 December 2002

Original: English

Letter dated 19 December 2002 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 13 December 2002 concerning your proposal to appoint Ms. Olga Pellicer (Mexico) as a Commissioner of the United Nations Monitoring, Verification and Inspection Commission has been brought to the attention of the members of the Security Council. They agree with the proposal contained in your letter.

(*Signed*) Alfonso **Valdivieso**
President of the Security Council

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United Nations A/57/669–S/2002/1383

General Assembly
Security Council

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19 December 2002
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Original: Arabic

General Assembly
Fifty-seventh session
Agenda items 36 and 160

Security Council
Fifty-seventh year

The situation in the Middle East

Measures to eliminate international terrorism

Identical letters dated 17 December 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel's campaign of terrorism is continuing, taking dozens of innocent lives of Palestinian civilians in horrifying criminal attacks of indescribable cruelty. Matters have reached the point where Israel has expanded the scope of its terrorist activity, leading, over the last few weeks, to the killing of four international officials of United Nations bodies working in the occupied Palestinian territory. The number of victims of the state terrorism practised by Israel in full view of the world is approaching 2,000, most of them Palestinian women, children and old people.

Israel, instead of recognizing that the actions of the Palestinians in self-defence and in defence of their territory result from its continuous occupation of the West Bank and Gaza Strip for over 35 years, in a situation in which there is absolutely no hope of achieving a just and comprehensive peace in the Middle East, is instead engaged in a deliberate policy of distortion of facts and exploitation of current international events in order to consolidate its occupation of Arab territories through the building of settlements, confiscation of Arab lands and destruction of homes in Palestinian towns and villages, resulting in the exile of hundreds of innocent Palestinians. The statements made by the Secretary-General over recent weeks and months and his condemnation of the Israeli practices reflect the magnitude of the tragedy and destruction being inflicted on the Palestinian people. At the same time, Ms. Catherine Bertini's report has now given a clear picture of the scope of the humanitarian disaster afflicting the Palestinian people as a result of the policies of blockade and repression practised by Israel in the occupied territory.

In order to conceal its crimes and evade its responsibilities, Israel, in letters addressed to the Secretary-General and to the President of the Security Council, has made sweeping accusations against the Syrian Arab Republic and other Arab States, under the excuse that some Palestinian factions located in these countries are issuing

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statements about their activities of resistance to the Israeli occupation. Israel has created a link between the statements made by these factions in some Arab States and its allegations that these States are financing and supporting the activities being carried out by the Palestinians. The Syrian Arab Republic wishes to reaffirm in this respect that what is most damaging to the international efforts to combat terrorism is Israel's murder of Palestinians and crushing of their desire for freedom under the excuse of combating terrorism, because Israel is ending any hope of achieving a just and comprehensive peace and security for all in the Middle East region and throughout the world.

In response to the distortions appearing in the letters sent by Israel (circulated as documents A/57/592-S/2002/1224, of 7 November 2002, and A/57/615-S/2002/1260, of 15 November 2002), the Syrian Arab Republic wishes once again to make the following clarifications:

1. The Palestinian offices in the Syrian Arab Republic are only information offices which are exercising their right to report on the sufferings and aspirations of the Palestinian people. We wish to point out that there are about half a million Palestinian refugees in the Syrian Arab Republic, who were expelled from their villages and towns by Israel, and who are not being allowed to return to their territory as required by international humanitarian law and the relevant United Nations resolutions. It is obvious that the staff of the offices which the Palestinian factions maintain in the Syrian Arab Republic and other parts of the Arab world cannot carry out actions against Israel, because they are far from the territory in which these actions are taking place.

2. The office of the Islamic Jihad and other offices of other Palestinian factions carry out purely informational activities, and the staff who work in them have no links with military activities or with the preparation of any operations.

3. The Syrian Arab Republic has repeatedly clarified that the Palestinian presence in its territory is temporary, until the conditions exist for all the Palestinian refugees to return to their homes and property and exercise their legitimate right to establish their independent State in their national territory. These refugees hope to return to their country as soon as possible, as provided by the legitimate international resolutions, and in the first place General Assembly resolution 194 (III), of 1948.

4. Israel's aggressive practices, and its continuous occupation of Arab territories, as well as its flagrant violations of human rights, are the reason why the Palestinians have stepped up their legitimate struggle to achieve their freedom and independence. The recent operation carried out in Hebron took place in occupied territory, in an occupied city, and was directed against occupying soldiers, and the instructions to its organizers did not originate from the information offices which exist in some Arab capitals.

5. The organizers of Palestinian operations are in the actual area of operations, in occupied territory. It is therefore logical that the Palestinians living in the Syrian Arab Republic cannot plan operations that take place in Palestinian territory because they are removed from the situation, in both geographical and operational terms.

6. The international community must make it clear to Israel that brute force will not succeed in crushing the aspirations of every Palestinian to freedom — aspirations which are backed by international legitimacy and the international community — and will not provide the security it desires, and that the solution lies

in it putting an end to the killing of children, women and old people, the building of settlements, the perpetuation of racist colonialist practices, the occupation of Arab territories, the confiscation of land, the destruction of houses and the uprooting of trees, and instead complying with the provisions of international law and the relevant resolutions of the United Nations, especially Security Council resolutions 242 (1967) and 338 (1973), the principle of land for peace and the Arab peace initiative approved by the Arab summit conference held in Beirut, as the only way to ensure peace and stability in the region.

7. As to the references to the Syrian Arab Republic appearing in the letter dated 11 December 2002 addressed to the Secretary-General by Israel (A/57/642-S/2002/1347), they are untrue and do not even merit a response, since their fundamental objective is to tarnish the image of the Syrian Arab Republic and Lebanon, in accordance with Israel's usual practice of distorting facts and confusing international public opinion. The Syrian Arab Republic wishes to reaffirm in this respect that Lebanon, which has recovered most of the territories occupied by Israel for more than 20 years, is merely exercising its functions as an independent and sovereign country. It is proof of the futility of the Israeli allegations that both the Arab summit conference and the summit conference of French-speaking countries were held recently in Lebanon, thereby demonstrating that the States of the world have respect for Lebanon and the positions it upholds.

I should be grateful if you would have this letter circulated as a document of the General Assembly at its fifty-seventh session, in relation to agenda items 36 and 160, and of the Security Council.

(*Signed*) Mikhail **Wehbe**
Permanent Representative

United Nations S/2002/1384

Security Council

Distr.: General
19 December 2002

Original: English

Draft resolution

The Security Council,

Recalling its resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1363 (2001) of 30 July 2001 and 1390 (2002) of 16 January 2002,

Expressing its determination to facilitate the implementation of counter-terrorism obligations in accordance with relevant Security Council resolutions,

Reaffirming its resolution 1373 (2001) of 28 September 2001, and reiterating its support for international efforts to root out terrorism, in accordance with the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the provisions of paragraph 4 (b) of resolution 1267 (1999), and paragraphs 1 and 2 (a) of resolution 1390 (2002), do not apply to funds and other financial assets or economic resources that have been determined by the relevant State(s) to be:

(a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, after notification by the relevant State(s) to the Committee established pursuant to resolution 1267 (1999) (hereinafter referred to as "the Committee") of the intention to authorize, where appropriate, access to such funds, assets or resources and in the absence of a negative decision by the Committee within 48 hours of such notification;

(b) necessary for extraordinary expenses, provided that such determination has been notified by the relevant State(s) to the Committee and has been approved by the Committee;

2. *Decides* that all States may allow for the addition to accounts subject to the provisions of paragraph 4 (b) of resolution 1267 (1999) and paragraphs 1 and 2 (a) of resolution 1390 (2002) of:

(a) interest or other earnings due on those accounts, or

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(b) payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of resolutions 1267 (1999), 1333 (2000), or 1390 (2002),

provided that any such interest, other earnings and payments continue to be subject to those provisions;

3. *Decides* that the Committee shall, in addition to the tasks set forth in paragraph 6 of resolution 1267 (1999) and paragraph 5 of resolution 1390 (2002):

(a) maintain and regularly update a list of the States that have notified the Committee of their intent to apply the provisions of paragraph 1 (a) above in their implementation of the relevant resolutions and as to which there was no negative decision by the Committee; and

(b) consider and approve, if appropriate, requests for extraordinary expenses as provided for in paragraph 1 (b) above;

4. *Decides* that the exception provided for in paragraph 4 (b) of resolution 1267 (1999) will cease to have effect from the date of adoption of this resolution;

5. *Urges* Member States to take full account of the considerations set out above in their implementation of resolution 1373 (2001);

6. *Decides* to remain seized of the matter.

United Nations S/2002/1385

Security Council

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Syrian Arab Republic: draft resolution

The Security Council,

Reaffirming its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002, 1403 (2002) of 4 April 2002 and 1435 (2002) of 24 September 2002, as well as the statements of its President, of 10 April 2002 and 18 July 2002,

Reiterating its grave concern at the tragic and violent events that have taken place since September 2000 and the continuous deterioration of the situation,

Expressing grave concern at the killing by the Israeli occupying forces of several United Nations employees, including the recent killing of one international staff member in the Jenin refugee camp,

Expressing deep concern at the deliberate destruction by the Israeli occupying forces of a United Nations World Food Programme warehouse in Beit Lahiya in the Occupied Palestinian Territory, in which 537 metric tons of donated food supplies intended for distribution to needy Palestinians had been stored,

Recalling the protection accorded to such facilities under international humanitarian law,

1. *Condemns* the above-mentioned killings and destruction;

2. *Demands* that Israel, the occupying Power, comply fully with its obligations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and refrain from the excessive and disproportionate use of force in the Occupied Palestinian Territory;

3. *Requests* the Secretary-General to inform the Council on any developments in this regard.

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